



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 19, 2012**

|               |     |
|---------------|-----|
| HF2051 .....  | 3   |
| HF2052 .....  | 5   |
| HF2053 .....  | 8   |
| HF2054 .....  | 10  |
| HF2055 .....  | 14  |
| HF2056 .....  | 16  |
| HF2057 .....  | 19  |
| HF2058 .....  | 25  |
| HF2059 .....  | 28  |
| HF2060 .....  | 32  |
| HF2061 .....  | 39  |
| HF2062 .....  | 41  |
| HJR2004 ..... | 43  |
| HSB543 .....  | 46  |
| HSB544 .....  | 52  |
| HSB545 .....  | 55  |
| HSB546 .....  | 59  |
| S5004 .....   | 67  |
| SF2029 .....  | 69  |
| SF2030 .....  | 71  |
| SF2031 .....  | 74  |
| SF2032 .....  | 76  |
| SF2033 .....  | 80  |
| SF2034 .....  | 83  |
| SF2035 .....  | 87  |
| SF2036 .....  | 93  |
| SF2037 .....  | 96  |
| SF2038 .....  | 99  |
| SF2039 .....  | 107 |
| SF2040 .....  | 110 |
| SF2041 .....  | 113 |
| SSB3058 ..... | 119 |
| SSB3059 ..... | 121 |
| SSB3060 ..... | 124 |
| SSB3061 ..... | 127 |
| SSB3062 ..... | 140 |



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 19, 2012**

|               |     |
|---------------|-----|
| SSB3063 ..... | 143 |
| SSB3064 ..... | 146 |
| SSB3065 ..... | 149 |
| SSB3066 ..... | 152 |
| SSB3067 ..... | 176 |



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**House File 2051 - Introduced**

HOUSE FILE 2051  
BY IVERSON

**A BILL FOR**

1 An Act relating to confinement feeding operations confining  
2 fish, and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5134HH (3) 84  
da/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2051

1 Section 1. Section 459.102, subsection 3, Code 2011, is  
2 amended to read as follows:

3 3. "*Animal*" means ~~a species classified as~~ cattle, swine,  
4 horses, sheep, chickens, ~~or~~ turkeys, or fish.

5 Sec. 2. Section 459.102, subsection 6, Code 2011, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. 1. Fish..... 0.001

8 Sec. 3. NEW SECTION. 459.320 Exception from regulation —  
9 election for confinement feeding operations confining fish.

10 A person who exclusively confines fish as part of a  
11 confinement feeding operation may elect to comply with the  
12 permitting requirements of section 455B.183 in lieu of the  
13 permitting requirements of this subchapter.

14 EXPLANATION

15 This bill amends the law which provides for the regulation  
16 of animal feeding operations, including confinement feeding  
17 operations, by the department of natural resources (Code  
18 chapter 459), by changing the definition of "animal" to include  
19 fish. Generally, the law provides a number of restrictions  
20 upon owners of animal feeding operations including those  
21 impacting the construction and expansion of structures and  
22 the application of manure. The law also provides a number of  
23 exceptions from those regulations, including for small animal  
24 feeding operations. The bill also adds a new exception, by  
25 providing that a person who exclusively confines fish as part  
26 of a confinement feeding operation may elect to comply with the  
27 state's general permitting requirements pertaining to water  
28 quality (Code section 455B.183) in lieu of the permitting  
29 requirements applicable to animal feeding operations.

30 A person who violates the bill is subject to civil penalties  
31 (Code sections 455B.109, 459.602, and 459.603) amounting to up  
32 to \$10,000 for a single violation.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2052 - Introduced

HOUSE FILE 2052

BY RAECKER and T. OLSON

(COMPANION TO SF 2018 BY  
COMMITTEE ON APPROPRIATIONS)

A BILL FOR

1 An Act relating to financial assistance for purposes of the  
2 battleship Iowa, BB-61, making appropriations, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5568YH (3) 84  
tm/jp



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2052

1 Section 1. 2011 Iowa Acts, chapter 131, section 82,  
2 subsection 2, is amended to read as follows:  
3 2. ~~If the department of the navy, pursuant to a process~~  
4 ~~outlined in a notice published in the federal register on~~  
5 ~~May 24, 2010, volume 75, number 99, awards possession or~~  
6 ~~conditionally awards possession of the battleship Iowa,~~  
7 ~~BB-61, to a nonprofit group that is eligible to receive the~~  
8 ~~battleship, the department of cultural affairs shall award~~  
9 ~~a grant to the nonprofit group in an amount equal to \$3~~  
10 ~~million in addition to any moneys awarded as a grant from the~~  
11 ~~BB-61 fund. Moneys in the BB-61 fund are appropriated to~~  
12 the department of cultural affairs to be used in accordance  
13 with this section. Subject only to the requirements in this  
14 subsection, the department of cultural affairs shall award  
15 a grant to a nonprofit entity that is awarded possession or  
16 conditional possession of the battleship Iowa, BB-61, an  
17 amount equal to \$3,000,000 plus any moneys held in the BB-61  
18 fund created in 2010 Iowa Acts, chapter 1194. The grant  
19 moneys shall be expended for the limited purposes of hull and  
20 superstructure preparation and painting, ship repairs and  
21 improvements, transportation and towing of ship, pier, and dock  
22 preparation and improvements, and museum development for the  
23 purposes of receiving and berthing the battleship Iowa, BB-61.  
24 The grant shall be awarded and the moneys shall be remitted to  
25 the nonprofit not less than 30 days after the effective date  
26 of this 2012 Act. The grant recipient shall file two periodic  
27 reports with both the department of cultural affairs and the  
28 state auditor itemizing how the moneys have been expended. The  
29 first report shall be filed when 50 percent of the moneys have  
30 been expended, and the second report shall be filed when 100  
31 percent of the moneys have been expended.  
32 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
33 immediate importance, takes effect upon enactment.  
34 EXPLANATION  
35 This bill relates to financial assistance for purposes of

LSB 5568YH (3) 84  
tm/jp

1/2



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 19, 2012**

H.F. 2052

1 the battleship Iowa, BB-61.

2 For the fiscal year 2010-2011, the department of cultural  
3 affairs received a \$3 million appropriation for purposes  
4 of awarding a grant to a nonprofit group that is awarded  
5 possession of the battleship Iowa, BB-61, by the department  
6 of the navy. In addition, in 2010 Iowa Acts, chapter 1194, a  
7 BB-61 fund was created under the control of the department for  
8 purposes of supporting the battleship Iowa committee and for  
9 the preservation and relocation of the battleship Iowa, BB-61.

10 The bill amends the purpose of the fiscal year 2010-2011  
11 appropriation by providing that the department shall award  
12 a grant to a nonprofit group that is awarded possession or  
13 conditional possession of the battleship Iowa, BB-61, in an  
14 amount equal to \$3 million plus any moneys in the BB-61 fund.  
15 The bill provides specific preservation and relocation purposes  
16 for which the awarded moneys shall be used. The bill includes  
17 reporting requirements.

18 The bill takes effect upon enactment.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2053 - Introduced

HOUSE FILE 2053

BY J. TAYLOR, MASSIE, DE BOEF,  
VANDER LINDEN, LOFGREN,  
PAUSTIAN, FRY, and SCHULTZ

A BILL FOR

1 An Act concerning payment of health insurance costs by school  
2 superintendents and area education agency administrators.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5403YH (4) 84  
ec/sc





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2053

1 Section 1. Section 279.20, Code 2011, is amended by adding  
2 the following new subsection:  
3 NEW SUBSECTION. 3. If the school district provides health  
4 insurance coverage for the superintendent, the board of  
5 director's contract with the superintendent shall provide that  
6 the superintendent pay from the salary of the superintendent at  
7 least twenty-five percent of the total monthly premium cost of  
8 the health insurance coverage provided.

9 EXPLANATION

10 This bill provides that if a school district provides  
11 health insurance coverage for the school superintendent, the  
12 superintendent shall pay at least 25 percent of the total  
13 monthly premium cost of the health insurance provided from the  
14 salary of the superintendent.

15 Pursuant to Code section 273.3(11), the new subsection  
16 applies to administrators of area education agencies.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2054 - Introduced

HOUSE FILE 2054  
BY J. TAYLOR

A BILL FOR

1 An Act relating to the state-designated career information and  
2 decision-making system administered by the department of  
3 education and including effective date and implementation  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5405YH (1) 84  
je/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2054

1 Section 1. NEW SECTION. 279.61A State-designated career  
2 information and decision-making system — oversight.

3 1. For the purposes of this section, "system" means the  
4 state-designated career information and decision-making system  
5 provided for in section 279.61, subsection 1, and administered  
6 by the state department of education in accordance with  
7 section 118 of the federal Carl D. Perkins Career and Technical  
8 Education Improvement Act of 2006, Pub. L. No. 109-270.

9 2. The department of education and the college student  
10 aid commission shall jointly submit to the general assembly's  
11 standing committees on government oversight on a quarterly  
12 basis a written report discussing in detail the effectiveness  
13 of the system in meeting the needs of school districts during  
14 the most recently completed calendar quarter.

15 3. The department of education and the college student aid  
16 commission shall seek feedback from school districts regarding  
17 the system at least forty-five days before a quarterly report  
18 is submitted. A school district or any interested person  
19 may submit information regarding the system directly to the  
20 general assembly's standing committees on government oversight  
21 information at any time to supplement the quarterly reports.

22 4. If at any time the general assembly's standing  
23 committees on government oversight determine that the system  
24 is not effectively meeting the needs of school districts,  
25 the committees shall issue a written report documenting such  
26 determination. The report shall include any deficiencies in  
27 the functionality of the system and any proposed solutions for  
28 such deficiencies. If the committees issue such a report,  
29 school districts shall not be required to participate in the  
30 system for the remainder of the school year in which the report  
31 is issued.

32 Sec. 2. IMPLEMENTATION. The department of education and the  
33 college student aid commission shall submit the first quarterly  
34 report required by this Act to the general assembly's standing  
35 committees on government oversight within sixty days of the

LSB 5405YH (1) 84

-1-

je/rj

1/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2054

1 effective date of this Act. The first feedback period for  
2 school districts and interested persons required by this Act  
3 shall begin on the effective date of this Act.

4 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
5 immediate importance, takes effect upon enactment.

6 EXPLANATION

7 This bill directs the department of education and the  
8 college student aid commission to jointly submit a written  
9 report on the state-designated career information and  
10 decision-making system provided for in Code section 279.61(1)  
11 and administered by the department to the general assembly's  
12 standing committees on government oversight on a quarterly  
13 basis. The report is required to discuss in detail the  
14 effectiveness of the system in meeting the needs of school  
15 districts.

16 The bill directs the department of education and the college  
17 student aid commission to seek feedback from school districts  
18 regarding the system at least 45 days before a quarterly report  
19 is submitted. The bill provides that a school district or  
20 any interested person may submit information directly to the  
21 general assembly's standing committees on government oversight  
22 information at any time to supplement the reports.

23 The bill provides that if at any time the general assembly's  
24 standing committees on government oversight determine that  
25 the system is not effectively meeting the needs of school  
26 districts, the committees shall issue a written report  
27 documenting such determination. The report shall include  
28 any deficiencies in the functionality of the system and any  
29 proposed solutions for such deficiencies. The bill provides  
30 that if the committees issue such a report, school districts  
31 shall not be required to participate in the system for the  
32 remainder of the school year in which the report is issued.

33 The bill takes effect upon enactment. The bill directs the  
34 department of education and the college student aid commission  
35 to submit the first quarterly report required by the bill

LSB 5405YH (1) 84

-2-

je/rj

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2054

1 to the general assembly's standing committees on government  
2 oversight within 60 days of the effective date of the bill.  
3 The bill provides that the first feedback period for school  
4 districts and interested persons required by the bill begins on  
5 the effective date of the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**House File 2055 - Introduced**

HOUSE FILE 2055  
BY T. OLSON and QUIRK

**A BILL FOR**

1 An Act subjecting photovoltaic installations to electrician  
2 licensing provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5611HH (5) 84  
rn/sc

**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012**

H.F. 2055

1 Section 1. NEW SECTION. 103.14A Photovoltaic installations.  
2 Notwithstanding any other provision of this chapter to the  
3 contrary, any reference in this chapter to the installation of  
4 wiring, apparatus, or equipment for electrical light, heat, or  
5 power shall include photovoltaic installation. Photovoltaic  
6 installations shall not be performed by a person other than  
7 a person licensed by the board as an electrical contractor,  
8 a class A master electrician, a class B master electrician,  
9 a class A journeyman electrician, or a class B journeyman  
10 electrician.

| 11 | EXPLANATION |
|----|-------------|
|----|-------------|

12 This bill provides that any reference in Code chapter 103,  
13 relating to the licensing of electricians and electrical  
14 contractors, to the installation of wiring, apparatus, or  
15 equipment for electrical light, heat, or power shall include  
16 photovoltaic installations, and that such installations  
17 shall not be performed other than by specified electrician  
18 classifications licensed under the Code chapter.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2056 - Introduced

HOUSE FILE 2056  
BY MURPHY

A BILL FOR

1 An Act Act relating to the registration and taxation of  
2 minibikes used in agricultural operations.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5017HH (3) 84  
dea/rj





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2056

1 Section 1. Section 321.1, subsection 32, unnumbered  
2 paragraph 1, Code Supplement 2011, is amended to read as  
3 follows:

4 *"Implement of husbandry"* means a vehicle or special  
5 mobile equipment manufactured, designed, or reconstructed  
6 for agricultural purposes and, except for incidental uses,  
7 exclusively used in the conduct of agricultural operations.  
8 *"Implements of husbandry"* includes all-terrain vehicles operated  
9 in compliance with section 321.234A, subsection 1, paragraph  
10 "a", fence-line feeders, and vehicles used exclusively for  
11 the application of organic or inorganic plant food materials,  
12 organic agricultural limestone, or agricultural chemicals.  
13 *"Implement of husbandry"* includes a minibike used exclusively  
14 for agricultural purposes and, except for incidental uses,  
15 exclusively used in the conduct of agricultural operations.  
16 To be considered an implement of husbandry, a self-propelled  
17 implement of husbandry must be operated at speeds of  
18 thirty-five miles per hour or less. *"Reconstructed"* as used  
19 in this subsection means materially altered from the original  
20 construction by the removal, addition, or substitution of  
21 essential parts, new or used.

22 Sec. 2. Section 321.1, Code Supplement 2011, is amended by  
23 adding the following new subsection:

24 NEW SUBSECTION. 39. *"Minibike"* means a small two-wheeled  
25 motorcycle with a low frame and elevated handlebars designed to  
26 transport only one person and not primarily manufactured for  
27 highway use.

28 Sec. 3. Section 423.3, subsection 8, paragraph a, Code  
29 Supplement 2011, is amended by adding the following new  
30 subparagraph:

31 NEW SUBPARAGRAPH. (4) The farm machinery or equipment is a  
32 minibike, as defined in section 321.1, which shall be operated  
33 as an implement of husbandry as provided in section 321.1,  
34 subsection 32.

35

EXPLANATION

LSB 5017HH (3) 84  
dea/rj

-1-

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2056

1 This bill provides an exemption from motor vehicle  
2 registration and from sales tax for minibikes used in  
3 agricultural production.

4 The bill defines "minibike" as a small two-wheeled  
5 motorcycle with a low frame and elevated handlebars designed to  
6 transport only one person and not primarily manufactured for  
7 highway use. The bill provides that such a motor vehicle is  
8 considered an implement of husbandry if it is used exclusively  
9 for agricultural purposes and, except for incidental uses,  
10 exclusively used in the conduct of agricultural operations.

11 Pursuant to current law, a vehicle which is an implement  
12 of husbandry is not subject to motor vehicle registration  
13 requirements and is exempt from payment of motor vehicle  
14 registration fees. This current exemption from motor vehicle  
15 registration requirements and fees would apply to a minibike  
16 that qualifies for registration as a motorcycle and also meets  
17 the requirements for an implement of husbandry.

18 Minibikes that do not meet federal motor vehicle safety  
19 standards for motor vehicles operated on highways are currently  
20 subject to state sales tax. The bill provides an exemption  
21 from the state sales tax for minibikes used as implements of  
22 husbandry.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2057 - Introduced

HOUSE FILE 2057  
BY MURPHY

A BILL FOR

1 An Act establishing a veteran employment tax credit pilot  
2 project for individual and corporate income taxpayers and  
3 franchise taxpayers who hire and employ qualified veterans  
4 and including effective date and applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5042HH (5) 84  
mm/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2057

1 Section 1. NEW SECTION. 422.11L Veteran employment tax  
2 credit.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "Full-time basis" means an average of forty hours of work  
6 per week, including all paid holidays, vacations, sick leave,  
7 and other paid leave.

8 b. "Qualified veteran" means an individual who meets all the  
9 following requirements:

10 (1) The individual is a veteran, as defined in section 35.1,  
11 subsection 2.

12 (2) The individual is totally unemployed, as defined in  
13 section 96.19, subsection 38, paragraph "a", prior to being  
14 hired for employment which qualifies for the tax credit under  
15 this section.

16 2. a. The taxes imposed under this division, less the  
17 credits allowed under section 422.12, shall be reduced by a  
18 veteran employment tax credit for a taxpayer who hires and  
19 employs a qualified veteran on a full-time basis in this state  
20 on or after the effective date of this Act. The credit shall be  
21 equal to the following amounts:

22 (1) Five hundred eighty dollars if the qualified veteran  
23 is employed by the taxpayer for one hundred eighty consecutive  
24 days.

25 (2) Five hundred eighty dollars if the qualified veteran is  
26 employed by the taxpayer for eighteen consecutive months

27 b. The aggregate total amount of tax credit certificates  
28 that may be issued by the department under paragraph "a" shall  
29 not exceed five hundred eighty thousand dollars. The aggregate  
30 total amount of tax credit certificates that may be issued by  
31 the department under paragraph "b" shall not exceed five hundred  
32 eighty thousand dollars.

33 3. The credit shall not be allowed for a qualified veteran  
34 who was hired to replace an individual whose employment  
35 was terminated within the twelve-month period preceding



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2057

1 the date the veteran is hired. However, if the individual  
2 being replaced left employment voluntarily without good  
3 cause attributable to the employer or if the individual was  
4 discharged for misconduct in connection with the individual's  
5 employment as determined by the department of workforce  
6 development, the credit shall be allowed.

7 4. To receive the veteran employment tax credit, a taxpayer  
8 must submit an application to the department, made in the  
9 manner and form prescribed by the department. If the taxpayer  
10 meets the criteria for eligibility, the department shall issue  
11 to the taxpayer a tax certificate for the veteran employment  
12 tax credit. The certificate shall contain the taxpayer's  
13 name, address, tax identification number, the amount of the  
14 credit, the tax year for which the certificate applies, and  
15 an expiration date for the certificate. The taxpayer must  
16 file the tax credit certificate with the taxpayer's income tax  
17 return in order to claim the tax credit.

18 5. Tax credit certificates shall be issued on an earliest  
19 filed basis. A taxpayer who fails to apply for and receive a  
20 tax credit certificate under subsection 2, paragraph "a", for a  
21 qualified veteran shall be ineligible to receive a tax credit  
22 for that qualified veteran under subsection 2, paragraph "b".

23 6. Any credit in excess of the tax liability shall be  
24 refunded. In lieu of claiming a refund, a taxpayer may  
25 elect to have the overpayment shown on the taxpayer's final,  
26 completed return credited to the tax liability for the  
27 following tax year.

28 7. An individual may claim the tax credit allowed a  
29 partnership, limited liability company, S corporation, estate,  
30 or trust electing to have the income taxed directly to the  
31 individual. The amount claimed by the individual shall be  
32 based upon the pro rata share of the individual's earnings of  
33 the partnership, limited liability company, S corporation,  
34 estate, or trust.

35 8. This section is repealed June 30, 2016, or thirty days

LSB 5042HH (5) 84

-2-

mm/sc

2/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2057

1 following the date on which one million one hundred sixty  
2 thousand dollars in total credits have been allowed, whichever  
3 is earlier.

4 Sec. 2. Section 422.33, Code Supplement 2011, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 29. *a.* The taxes imposed under this  
7 division shall be reduced by a veteran employment tax credit  
8 allowed under section 422.11L.

9 *b.* This subsection is subject to repeal pursuant to section  
10 422.11L, subsection 8.

11 Sec. 3. Section 422.60, Code Supplement 2011, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 14. *a.* The taxes imposed under this  
14 division shall be reduced by a veteran employment tax credit  
15 authorized pursuant to section 422.11L.

16 *b.* This subsection is subject to repeal pursuant to section  
17 422.11L, subsection 8.

18 Sec. 4. PILOT PROJECT — EVALUATION. The tax credit  
19 provided in this Act for taxpayers who hire and employ  
20 qualified veterans is viewed as a pilot project to gauge  
21 the feasibility of using such an approach to increase the  
22 employment of veterans in this state.

23 The department of workforce development and the department  
24 of revenue shall review and evaluate the pilot project  
25 established in this Act and determine the benefits to the  
26 state. A report from each department shall be filed with  
27 the general assembly no later than January 15, 2014, and  
28 shall contain its evaluation and recommendations, especially  
29 with regard to the creation of a permanent qualified veteran  
30 employment tax credit as part of the state's effort to increase  
31 the employment of veterans in this state. However, the  
32 departments may file a joint report if this would prove more  
33 beneficial to the general assembly and the evaluation of the  
34 pilot project.

35 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2057

1 immediate importance, takes effect upon enactment.

2 Sec. 6. APPLICABILITY. This Act applies to qualified  
3 veterans hired on or after the effective date of this Act.

4 EXPLANATION

5 This bill provides a refundable individual and corporate  
6 income tax credit and franchise tax credit for the hiring and  
7 employment of qualified veterans in this state. "Qualified  
8 veteran" is defined as an individual who is a veteran and is  
9 totally unemployed.

10 The credit is available to a taxpayer who hires and employs  
11 a qualified veteran for employment on a full-time basis in this  
12 state on or after the effective date of the bill. "Full-time"  
13 basis is defined as an average of 40 hours of work per week.  
14 The credit is available in two parts. The first part of the  
15 credit is equal to \$580 if the qualified veteran is employed  
16 by the taxpayer for 180 consecutive days. The second part  
17 is equal to \$580 if the qualified veteran is employed by the  
18 taxpayer for 18 consecutive months. The second part of the  
19 credit is unavailable to a taxpayer for the employment of a  
20 qualified veteran if the taxpayer did not receive the first  
21 part of the credit for that particular qualified veteran.

22 The credit is not allowed if the qualified veteran was  
23 hired to replace an individual whose employment was terminated  
24 within the 12-month period preceding the date the qualified  
25 veteran was hired, unless the individual left employment  
26 voluntarily without good cause attributable to the employer or  
27 was discharged for misconduct as determined by the department  
28 of workforce development.

29 To receive the tax credit, a taxpayer must submit an  
30 application to the department of revenue and receive a tax  
31 credit certificate, then attach the certificate to the  
32 taxpayer's tax return.

33 The total amount of tax credits that may be issued by the  
34 department of revenue shall not exceed \$580,000 for each  
35 part of the credit, for a total of \$1,160,000. Tax credit

LSB 5042HH (5) 84

-4-

mm/sc

4/5



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 19, 2012**

H.F. 2057

1 certificates shall be issued on an earliest filed basis.

2     An individual may claim the tax credit allowed a  
3 partnership, limited liability company, S corporation, estate,  
4 or trust electing to have the income taxed directly to the  
5 individual. The amount claimed by the individual shall be  
6 based upon the pro rata share of the individual's earnings of  
7 the partnership, limited liability company, S corporation,  
8 estate, or trust.

9     The credit is repealed on June 30, 2016, or 30 days following  
10 the date on which \$1,160,000 in total credits have been  
11 provided, whichever is earlier.

12     The bill provides that the veteran employment tax credit  
13 is a pilot project to gauge the feasibility of using such an  
14 approach to increase the employment of veterans in this state.  
15 The department of workforce development and the department of  
16 revenue are required to evaluate the pilot project and submit  
17 a joint or separate report to the general assembly no later  
18 than January 15, 2014. The report shall contain evaluations  
19 and recommendations with regard to the creation of a permanent  
20 qualified veteran employment tax credit as part of the state's  
21 effort to increase employment of veterans in this state.

22     The bill takes effect upon enactment and applies to  
23 qualified veterans hired on or after that date.





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2058 - Introduced

HOUSE FILE 2058  
BY DRAKE

A BILL FOR

1 An Act establishing a property tax exemption for certain care  
2 facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5623YH (2) 84  
md/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2058

1 Section 1. Section 427.1, Code Supplement 2011, is amended  
2 by adding the following new subsection:

3 NEW SUBSECTION. 38. *Care facilities.*

4 *a.* Property owned solely by a nonprofit organization and  
5 operated on a nonprofit basis as a residential care facility or  
6 nursing facility under chapter 135C, an elder group home under  
7 chapter 231B, an assisted living program under chapter 231C, an  
8 adult day services program under chapter 231D, or a retirement  
9 facility under chapter 523D. The exemption shall apply to  
10 all buildings, structures, and land which are used for such  
11 purposes. The exemption shall apply to the assessment year  
12 beginning after the application for the exemption is filed.

13 *b.* Applications for exemption shall be filed with the  
14 assessing authority not later than February 1 of the first  
15 year for which the exemption is requested, on forms provided  
16 by the department of revenue. The application shall describe  
17 and locate the specific property for which the exemption is  
18 requested.

19 *c.* Once the exemption is granted, the exemption shall  
20 continue to be granted for subsequent assessment years  
21 without further filing of applications as long as the property  
22 continues to meet the requirements of this subsection. The  
23 taxpayer shall notify the assessing authority when the property  
24 ceases to meet the requirements of this subsection.

25 Sec. 2. IMPLEMENTATION. Section 25B.7 shall not apply to  
26 the provisions of this Act.

27 EXPLANATION

28 This bill establishes a property tax exemption for property  
29 owned solely by a nonprofit organization and operated on a  
30 nonprofit basis as a residential care facility or nursing  
31 facility under Code chapter 135C, an elder group home under  
32 Code chapter 231B, an assisted living program under Code  
33 chapter 231C, an adult day services program under Code chapter  
34 231D, or a retirement facility under Code chapter 523D. The  
35 exemption applies to all buildings, structures, and land which

LSB 5623YH (2) 84

-1-

md/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2058

1 are used for such purposes. Once the exemption is granted, the  
2 exemption continues to be granted for subsequent assessment  
3 years without further filing of applications as long as the  
4 property continues to meet the requirements of the exemption.  
5 The taxpayer is required to notify the assessing authority when  
6 the property ceases to meet the requirements for the exemption.  
7 The bill provides that the provisions in Code section 25B.7,  
8 relating to the obligation of the state to reimburse local  
9 jurisdictions for property tax credits and exemptions, does not  
10 apply to the exemption in the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2059 - Introduced

HOUSE FILE 2059  
BY MURPHY

A BILL FOR

1 An Act relating to failure to make contact with or verify the  
2 whereabouts and safety of a child and the reporting of the  
3 death of a child to a law enforcement agency, and providing  
4 penalties.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5010YH (5) 84  
jm/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2059

1 Section 1. NEW SECTION. 726.9 Failure to make contact with  
2 or verify whereabouts and safety of a child — penalty.

3 1. As used in this section, “caregiver” means the following:

4 a. A parent, guardian, adult household member, or other  
5 person responsible for a child’s welfare.

6 b. A person who has accepted, undertaken, or assumed  
7 supervision of a child from the parent or guardian of the  
8 child.

9 c. A person who has undertaken or assumed temporary  
10 supervision of a child without explicit consent from the parent  
11 or guardian of the child.

12 2. The caregiver of a child eight years of age or younger  
13 who knowingly or recklessly fails to make contact with or  
14 verify the whereabouts and safety of the child within a  
15 twenty-four-hour period commits an aggravated misdemeanor.

16 Sec. 2. NEW SECTION. 726.9A Reporting the death of a child.

17 1. As used in this section, “caregiver” means the same as  
18 defined in section 726.9, and “health care provider” means the  
19 same as defined in section 708.3A.

20 2. The caregiver of a child shall report the death of the  
21 child to a law enforcement agency within two hours of learning  
22 of the death of the child.

23 3. The caregiver of a child shall report the location of the  
24 corpse of the child within one hour of learning the location  
25 of the corpse if the death of the child appears to be a death  
26 under circumstances described in section 331.802, subsection  
27 3, except for the circumstances described in section 331.802,  
28 subsection 3, paragraph “f”, “g”, “h”, or “k”.

29 4. This section does not apply if a health care provider has  
30 been contacted about the death of the child within two hours of  
31 the caregiver learning of the death or a health care provider  
32 has been contacted within one hour of the caregiver learning  
33 about the location of the corpse of the child.

34 5. A person who violates this section commits an aggravated  
35 misdemeanor.

LSB 5010YH (5) 84

-1-

jm/rj

1/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2059

EXPLANATION

1

2 This bill relates to reporting a missing child or the death  
3 of a child to a law enforcement agency.

4 The bill creates a new criminal offense for failing to make  
5 contact with or verify the whereabouts and safety of a child.  
6 Under the bill, a caregiver of a child eight years of age or  
7 younger who knowingly or recklessly fails to make contact with  
8 or verify the whereabouts and safety of the child within a  
9 24-hour period commits an aggravated misdemeanor.

10 The bill defines "caregiver" to mean a parent, guardian,  
11 adult household member, or other person responsible for a  
12 child's welfare, or a person who has accepted, undertaken, or  
13 assumed supervision of a child from the parent or guardian of  
14 the child, or a person who has undertaken or assumed temporary  
15 supervision of a child without explicit consent from the parent  
16 or guardian of the child.

17 The bill also creates the new criminal offense of failure  
18 to report the death of a child. Under the bill, a caregiver  
19 of a child is required to report the death of the child to a  
20 law enforcement agency within two hours of the learning of the  
21 death of the child. The bill also requires the caregiver of a  
22 child to report the location of the corpse of the child within  
23 one hour of learning the location of the corpse if the death of  
24 the child appears to be a death under circumstances described  
25 in Code section 331.802(3), except for the circumstances  
26 described in Code section 331.802(3)(f), (g), (h), or (k).  
27 The bill does not apply if a health care provider has been  
28 contacted about the death of the child within two hours of the  
29 caregiver learning of the death or a health care provider has  
30 been contacted within one hour of the caregiver learning about  
31 the location of the corpse of the child. A caregiver who fails  
32 to report the death of a child or the location of the corpse of  
33 a child commits an aggravated misdemeanor.

34 A person convicted under this bill may be required to  
35 register as a sex offender, if the offense was committed

LSB 5010YH (5) 84

-2-

jm/rj

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2059

1 against a minor and the fact finder makes a determination that  
2 the offense was sexually motivated, in accordance with Code  
3 section 726.10.

4 An aggravated misdemeanor is punishable by confinement for  
5 no more than two years and a fine of at least \$625 but not more  
6 than \$6,250.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2060 - Introduced

HOUSE FILE 2060  
BY HUNTER

A BILL FOR

1 An Act relating to wage payment collection issues arising  
2 between employers and individuals who provide services to  
3 employers, providing penalties and remedies, and including  
4 effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1956YH (3) 84  
je/rj





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1 Section 1. Section 91A.5, subsection 1, unnumbered  
2 paragraph 1, Code 2011, is amended to read as follows:  
3 An employer shall have the burden to establish that a  
4 deduction from employee wages is lawful. An employer shall not  
5 withhold or divert any portion of an employee's wages unless:  
6 Sec. 2. Section 91A.5, subsection 1, paragraph b, Code 2011,  
7 is amended to read as follows:  
8 b. The employer ~~has~~ obtains advance written authorization  
9 from the employee to so deduct for any lawful purpose accruing  
10 to the benefit of the employee.  
11 Sec. 3. Section 91A.6, subsection 1, Code 2011, is amended  
12 to read as follows:  
13 1. An employer shall ~~after being notified by the~~  
14 ~~commissioner pursuant to subsection 2~~ do the following:  
15 a. Notify its employees in writing at the time of hiring  
16 what wages and regular paydays are designated by the employer.  
17 b. Notify its employees in writing whose wages are  
18 determined based on a task, piece, mile, or load basis about  
19 the method used to calculate wages and when the wages are  
20 earned by the employees.  
21 ~~b.~~ c. Notify, at least one pay period prior to the  
22 initiation of any changes, its employees of any changes in  
23 the arrangements specified in this subsection ~~1~~ that reduce  
24 wages or alter the regular paydays. The notice shall either  
25 be in writing or posted at a place where employee notices are  
26 routinely posted.  
27 ~~c.~~ d. Make available to its employees upon written request,  
28 a written statement enumerating employment agreements and  
29 policies with regard to vacation pay, sick leave, reimbursement  
30 for expenses, retirement benefits, severance pay, or other  
31 comparable matters with respect to wages. Notice of such  
32 availability shall be given to each employee in writing or by a  
33 notice posted at a place where employee notices are routinely  
34 posted.  
35 ~~d.~~ e. Establish, maintain, and preserve for three

LSB 1956YH (3) 84

-1-

je/rj

1/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1 calendar years the payroll records showing the hours worked,  
2 wages earned, and deductions made for each employee and  
3 any employment agreements entered into between an employer  
4 and employee. Failure to do so shall raise a rebuttable  
5 presumption that the employer did not pay the required minimum  
6 wage under section 91D.1.

7 Sec. 4. Section 91A.6, subsection 2, Code 2011, is amended  
8 by striking the subsection.

9 Sec. 5. Section 91A.6, subsection 4, Code 2011, is amended  
10 by striking the subsection and inserting in lieu thereof the  
11 following:

12 4. a. On each regular payday, the employer shall send to  
13 each employee by mail or shall provide at the employee's normal  
14 place of employment during normal employment hours a statement  
15 showing the wages earned by the employee, the deductions made  
16 for the employee, and the following information, as applicable:

17 (1) For each employee paid in whole or in part on an hourly  
18 basis, the statement shall show the hours the employee worked.

19 (2) For each employee paid based on a percentage of sales or  
20 based on a percentage of revenue generated for the employer,  
21 the statement shall include a list of the amount of each sale  
22 or the amount of revenue during the pay period.

23 (3) For each employee whose pay is based on the number  
24 of miles or loads performed, the statement shall include the  
25 applicable number performed during the pay period.

26 b. An employer who provides each employee access to view an  
27 electronic statement of the employee's earnings and provides  
28 the employee free and unrestricted access to a printer to print  
29 the employee's statement of earnings, if the employee chooses,  
30 is in compliance with this subsection.

31 Sec. 6. Section 91A.8, Code 2011, is amended to read as  
32 follows:

33 **91A.8 Damages recoverable by an employee.**

34 When it has been shown that an employer has ~~intentionally~~  
35 failed to pay an employee wages or reimburse expenses pursuant

LSB 1956YH (3) 84

-2-

je/rj

2/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1 to section 91A.3, whether as the result of a wage dispute or  
2 otherwise, the employer shall be liable to the employee for ~~any~~  
3 ~~the unpaid wages or expenses that are so intentionally failed~~  
4 ~~to be paid or reimbursed~~, plus liquidated damages, court costs,  
5 and any ~~attorney's~~ attorney fees incurred in recovering the  
6 unpaid wages and determined to have been usual and necessary.  
7 ~~In other instances the employer shall be liable only for~~  
8 ~~unpaid wages or expenses, court costs and usual and necessary~~  
9 ~~attorney's fees incurred in recovering the unpaid wages or~~  
10 ~~expenses.~~

11 Sec. 7. Section 91A.10, subsection 5, Code 2011, is amended  
12 to read as follows:

13 ~~5. An employer shall not discharge or in any other manner~~  
14 ~~discriminate against any employee because the employee has~~  
15 ~~filed a complaint, assigned a claim, or brought an action under~~  
16 ~~this section or has cooperated in bringing any action against~~  
17 ~~an employer.~~

18 5. a. An employer or other person shall not discharge or  
19 in any other manner discriminate or retaliate against any of  
20 the following:

21 (1) An employee or other person for exercising any right  
22 provided under this chapter or any rules adopted pursuant to  
23 this chapter.

24 (2) Another employee or person for providing assistance to  
25 an employee or providing information regarding the employee or  
26 person.

27 (3) Another employee or person for testifying or planning  
28 to testify in any investigation or proceeding regarding the  
29 employee or person.

30 b. Taking adverse action against an employee or other person  
31 within ninety days of an employee's or other person's engaging  
32 in any of the activities in paragraph "a" raises a presumption  
33 that such action was retaliation, which may be rebutted by  
34 evidence that such action was taken for other permissible  
35 reasons.

LSB 1956YH (3) 84

-3-

je/rj

3/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1     c. Any employee may file a complaint with the commissioner  
2 alleging discharge, ~~or~~ discrimination, or retaliation within  
3 thirty days after such violation occurs. Upon receipt of the  
4 complaint, the commissioner shall cause an investigation to be  
5 made to the extent deemed appropriate. If the commissioner  
6 determines from the investigation that the provisions of this  
7 subsection have been violated, the commissioner shall bring  
8 an action in the appropriate district court against such  
9 person. The district court shall have jurisdiction, for cause  
10 shown, to restrain violations of this subsection and order all  
11 appropriate relief including rehiring or reinstatement of the  
12 employee to the former position with back pay.

13     Sec. 8. Section 91A.10, Code 2011, is amended by adding the  
14 following new subsection:

15     NEW SUBSECTION. 6. A civil action to enforce subsection 5  
16 may also be maintained in any court of competent jurisdiction  
17 by the commissioner or by any party injured by a violation  
18 of subsection 5. An employer or other person who retaliates  
19 against an employee or other person in violation of subsection  
20 5 shall be required to pay the employee or other person  
21 an amount set by the commissioner or a court sufficient to  
22 compensate the employee or other person and to deter future  
23 violations, but not less than one hundred fifty dollars for  
24 each day that the violation occurred.

25     Sec. 9. NEW SECTION. 91A.15 **Commissions earned date.**

26     An employer shall not require that a person be a current  
27 employee to be paid a commission that the person otherwise  
28 earned.

29     Sec. 10. **EFFECTIVE DATE.** This Act takes effect January 1,  
30 2013.

31                                   EXPLANATION

32     This bill relates to employers and individuals who perform  
33 labor and wage payment collection.

34     Code section 91A.5 is amended to provide that the employer  
35 has the burden to establish that a deduction from employees'

LSB 1956YH (3) 84

-4-

je/rj

4/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1 wages is lawful and must obtain written authorization for the  
2 deduction from the employee in advance.

3 Code section 91A.6(1) is amended to remove the requirement  
4 that an employer be notified by the division of labor services  
5 of the department of workforce development before the employer  
6 is required to fulfill the requirements in subsection 1  
7 relating to employee wage and benefit information. In Code  
8 section 91A.6(1)(b), the employer must notify employees in  
9 writing whose wages are determined based on a task, piece,  
10 mile, or load basis about the method to calculate wages, when  
11 wages are earned. Code section 91A.6(1)(e) is amended to  
12 establish a rebuttable presumption that an employer did not  
13 pay the minimum wage if the employer does not maintain proper  
14 payroll records.

15 Current Code section 91A.6(2), setting out certain employer  
16 compliance procedures, is stricken.

17 Code section 91A.6(4) is amended so that the employer  
18 must send to each employee by mail, or at the place of  
19 business during the employee's working hours a statement of  
20 the employee's earnings, deductions made, and as applicable  
21 the following: for an employee paid hourly, the number of  
22 hours worked during the pay period; for an employee paid on a  
23 percentage of sales or revenue generated, a list of sales or  
24 amount of revenue during the pay period; and for an employee  
25 paid based on the number of miles or loads performed, the  
26 applicable number performed during the pay period. An employer  
27 who provides an electronic statement and gives employees free  
28 and unrestricted access to the statement is in compliance with  
29 the Code section.

30 In Code section 91A.8, when any specified violation of Code  
31 chapter 91A occurs, an employer shall be liable for unpaid  
32 wages or expenses plus liquidated damages, court costs, and  
33 attorney fees incurred in recovering wages.

34 Code section 91A.10(5), which is the subsection covering  
35 retaliatory actions by employers or others, is expanded

LSB 1956YH (3) 84

-5-

je/rj

5/6



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2060

1 to cover persons other than employees who act under Code  
2 chapter 91A with respect to an employee. A 90-day period is  
3 established during which any action against an employee or  
4 other person is rebuttably presumed to be retaliatory. New  
5 subsection 6 is created in Code section 91A.10 to allow the  
6 commissioner or any injured party to maintain a civil action in  
7 any court of proper jurisdiction. An employer who retaliates  
8 against an employee or other person shall compensate the  
9 injured party an amount set by the commissioner or the court,  
10 but not less than \$150 for each day of the violation.

11 In new Code section 91A.15, an employer shall not require  
12 that an individual be a current employee to be paid an earned  
13 commission.

14 The bill takes effect January 1, 2013.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 2061 - Introduced

HOUSE FILE 2061  
BY MASCHER

A BILL FOR

1 An Act striking language that authorizes the natural resource  
2 commission to establish a season for hunting mourning doves  
3 and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5635HH (2) 84  
av/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2061

1 Section 1. Section 481A.48, subsection 1, Code Supplement  
2 2011, is amended to read as follows:

3 1. A person, except as otherwise provided by law, shall  
4 not willfully disturb, pursue, shoot, kill, take or attempt to  
5 take, or have in possession any of the following game birds  
6 or animals except within the open season established by the  
7 commission: gray or fox squirrel, bobwhite quail, cottontail  
8 or jackrabbit, duck, snipe, pheasant, goose, woodcock,  
9 partridge, ~~mourning dove~~, coot, rail, ruffed grouse, wild  
10 turkey, pigeon, or deer. The seasons, bag limits, possession  
11 limits, and locality shall be established by the department or  
12 commission under the authority of sections 456A.24, 481A.38,  
13 and 481A.39.

14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill strikes language which authorizes the natural  
18 resource commission to establish a season for hunting mourning  
19 doves. The bill is effective upon enactment.





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**House File 2062 - Introduced**

HOUSE FILE 2062  
BY HELLAND

**A BILL FOR**

1 An Act authorizing lottery games to benefit anti-littering and  
2 beautification programs.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5566YH (2) 84  
ec/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. 2062

1 Section 1. **NEW SECTION. 99G.9B Limited series of lottery**  
2 **games to benefit anti-littering and beautification programs.**  
3 The chief executive officer, in consultation with the board,  
4 shall develop and conduct one additional instant scratch and  
5 one additional pull-tab lottery game annually to provide moneys  
6 for the benefit of anti-littering and beautification programs.  
7 The moneys received from the sale of tickets for each lottery  
8 game shall be deposited in a special account in the lottery  
9 fund. Notwithstanding section 99G.39, after payment of the  
10 prizes, the remaining moneys shall be transferred to the keep  
11 Iowa beautiful fund established pursuant to section 314.28.

12 EXPLANATION

13 This bill provides that the chief executive officer of the  
14 lottery authority shall develop and conduct one additional  
15 instant scratch and one additional pull-tab lottery game  
16 annually for the benefit of anti-littering and beautification  
17 programs. Moneys received from the games, less prizes, shall  
18 be transferred to the keep Iowa beautiful fund established  
19 pursuant to Code section 314.28. Moneys in the fund are to be  
20 used for providing financial assistance to organizations for  
21 litter prevention, improving waste management and recycling  
22 efforts, or a beautification project.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House Joint Resolution 2004 - Introduced

HOUSE JOINT RESOLUTION 2004  
BY MASCHER

HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the Congress of the United States  
2 to submit to the States for ratification a campaign finance  
3 restriction and disclosure amendment to the United States  
4 Constitution.  
5 WHEREAS, the influx of large contributions in election  
6 campaigns is having an increasingly pernicious effect on  
7 American politics; and  
8 WHEREAS, the United States Congress is unable and unwilling  
9 to enact meaningful campaign finance reform; and  
10 WHEREAS, meaningful campaign finance reform requires  
11 constitutional change; NOW THEREFORE,  
12 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5152YH (3) 84  
jr/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.J.R. 2004

1 That the Congress of the United States is hereby petitioned  
2 to propose an amendment to the Constitution of the United  
3 States, for submission to the states for ratification, to do  
4 all of the following:

5 1. Prohibit all campaign contributions or donations of any  
6 kind from foreign persons or entities in federal elections.

7 2. Prohibit corporations and political action committees  
8 from making expenditures with respect to such elections.

9 3. Prohibit government contractors from making expenditures  
10 with respect to such elections.

11 4. Establish additional disclosure and reporting  
12 requirements for federal elections.

13 BE IT FURTHER RESOLVED, That, alternatively, pursuant  
14 to Article V of the Constitution of the United States, the  
15 General Assembly, as the Legislature of the State of Iowa,  
16 makes application to the Congress of the United States to  
17 call a convention for the specific and exclusive purpose of  
18 proposing an amendment to the Constitution of the United  
19 States, for submission to the states for ratification, which is  
20 substantially similar to the amendment proposed in this Joint  
21 Resolution; and

22 BE IT FURTHER RESOLVED, That if, within sixty days after  
23 the legislatures of two-thirds of the states make application  
24 for such convention, Congress proposes and submits to the  
25 states for ratification an amendment to the Constitution of the  
26 United States which is substantially similar to the amendment  
27 proposed in this Joint Resolution, then this application for a  
28 convention shall no longer be of any force and effect; and

29 BE IT FURTHER RESOLVED, That this application constitutes  
30 a continuing application in accordance with Article V of the  
31 Constitution of the United States, until at least two-thirds of  
32 the legislatures of the several states have made application  
33 for a similar convention under Article V, or the Congress has  
34 proposed the amendment called for by this Joint Resolution, or  
35 the General Assembly acts to withdraw this application; and

LSB 5152YH (3) 84

-1-

jr/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.J.R. 2004

1 BE IT FURTHER RESOLVED, That the Secretary of State  
2 shall transmit certified copies of this Joint Resolution  
3 to the President and Secretary of the United States  
4 Senate, the Speaker and Clerk of the United States House of  
5 Representatives, each member of the Iowa delegation to the  
6 Congress, and the presiding officer of each house of each state  
7 legislature in the United States.

8 EXPLANATION

9 This joint resolution constitutes a petition to the Congress  
10 of the United States to propose a constitutional amendment  
11 to prohibit contributions from foreign persons and entities  
12 in federal elections, to prohibit government contractors,  
13 corporations, and political action committees from making  
14 expenditures with respect to such elections, and to establish  
15 additional disclosure and reporting requirements for such  
16 elections.

17 Alternatively, the resolution is an application to the  
18 Congress from the State of Iowa, as required by Article V of  
19 the Constitution of the United States, calling upon Congress  
20 to convene a constitutional convention concerning the proposed  
21 amendment.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House Study Bill 543 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
REVENUE BILL)

A BILL FOR

1 An Act relating to the administration of the streamlined sales  
2 tax agreement by the department of revenue.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5302DP (3) 84  
mm/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 423.1, subsection 51, paragraph a,  
2 subparagraph (2), Code Supplement 2011, is amended to read as  
3 follows:

4 (2) The cost of materials used, labor or service cost,  
5 interest, losses, all costs of transportation to the seller,  
6 all taxes imposed on the seller except as provided in paragraph  
7 "b", subparagraphs (5) and (6), and any other expenses of the  
8 seller.

9 Sec. 2. Section 423.1, subsection 51, paragraph b, Code  
10 Supplement 2011, is amended by adding the following new  
11 subparagraphs:

12 NEW SUBPARAGRAPH. (5) Any state or local tax on a retail  
13 sale that is imposed on the seller if the statute, rule, or  
14 local ordinance imposing the tax provides that the seller may,  
15 but is not required to, collect such tax from the consumer, and  
16 if the tax is separately stated on the invoice, bill of sale,  
17 or similar document given to the purchaser.

18 NEW SUBPARAGRAPH. (6) Any tribal tax on a retail sale that  
19 is imposed on the seller if the tribal law imposing the tax  
20 provides that the seller may but is not required to collect  
21 such tax from the consumer, and if the tax is separately stated  
22 on the invoice, bill of sale, or similar document given to the  
23 purchaser.

24 Sec. 3. Section 423.1, subsection 51, Code Supplement 2011,  
25 is amended by adding the following new paragraph:

26 NEW PARAGRAPH. *Od.* "Sales price" shall include  
27 consideration received by the seller from third parties if all  
28 of the following apply:

29 (1) The seller actually receives consideration from a party  
30 other than the purchaser and the consideration is directly  
31 related to a price reduction or discount on the sale.

32 (2) The seller has an obligation to pass the price reduction  
33 or discount through to the purchaser.

34 (3) The amount of the consideration attributable to the sale  
35 is fixed and determinable by the seller at the time of the sale

LSB 5302DP (3) 84

-1-

mm/sc

1/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 of the item to the purchaser.

2 (4) One of the following criteria is met:

3 (a) The purchaser presents a coupon, certificate, or other  
4 documentation to the seller to claim a price reduction or  
5 discount where the coupon, certificate, or documentation is  
6 authorized, distributed, or granted by a third party with the  
7 understanding that the third party will reimburse any seller to  
8 whom the coupon, certificate, or documentation is presented.

9 (b) The purchaser is identified to the seller as a member  
10 of a group or organization entitled to a price reduction or  
11 discount. For purposes of this subparagraph division, a card  
12 identifying the holder as a preferred customer, which card is  
13 available to any patron, does not constitute membership in such  
14 a group or organization.

15 (c) The price reduction or discount is identified as  
16 a third-party price reduction or discount on the invoice  
17 received by the purchaser or on a coupon, certificate, or other  
18 documentation presented by the purchaser.

19 Sec. 4. Section 423.31, Code 2011, is amended by adding the  
20 following new subsection:

21 NEW SUBSECTION. 8. Persons required to file a return under  
22 this section may instead file a simplified electronic return  
23 pursuant to section 423.49.

24 Sec. 5. Section 423.49, subsection 4, paragraph d, Code  
25 2011, is amended to read as follows:

26 d. A model 4 seller, or a seller not registered under the  
27 agreement who is otherwise registered in the state, may elect  
28 to file a simplified return. Model 4 sellers, or sellers not  
29 registered under the agreement who are otherwise registered in  
30 the state, electing to do so shall file the first part of the  
31 return each month.

32 Sec. 6. Section 423.49, subsection 4, paragraph e,  
33 unnumbered paragraph 1, Code 2011, is amended to read as  
34 follows:

35 A model 4 seller required to register in the state, or a

LSB 5302DP (3) 84

-2-

mm/sc

2/5





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 seller not registered under the agreement who is otherwise  
2 registered in the state, may submit the information collected  
3 in the second part of the return in one of the following ways:  
4 Sec. 7. Section 423.52, subsection 1, Code 2011, is amended  
5 to read as follows:

6 1. Sellers and certified service providers using  
7 databases derived from zip codes or state or vendor provided  
8 address-based databases are relieved from liability to this  
9 state or its local taxing jurisdictions for having charged and  
10 collected the incorrect amount of sales or use tax resulting  
11 from the seller or certified service provider relying on  
12 erroneous data provided by this state on tax rates, boundaries,  
13 or taxing jurisdiction assignments. If this state provides an  
14 address-based system for assigning taxing jurisdictions, the  
15 director is not required to provide liability relief for errors  
16 resulting from reliance on ~~the information~~ a database derived  
17 from zip codes and provided by this state if the director has  
18 given adequate notice, as determined by the governing board, to  
19 affected parties of the decision to end this relief.

20 EXPLANATION

21 This bill relates to the administration of the sales and use  
22 taxes under the streamlined sales tax agreement.

23 Iowa is a member of the streamlined sales and use tax  
24 agreement, which is an effort to administer state sales and  
25 use taxes in all participating states according to the same  
26 simplified system. Under the agreement, Iowa must periodically  
27 make changes in the administration of the sales and use taxes  
28 in order to remain in compliance.

29 The bill amends the definition of "sales price" to exclude  
30 any state or local tax on a retail sale that is imposed on the  
31 seller if by law the seller may but is not required to collect  
32 the tax from the consumer, and if the tax is separately stated  
33 on the invoice, bill of sale, or similar document given to the  
34 purchaser.

35 The bill further amends the definition of "sales price" to

LSB 5302DP (3) 84

-3-

mm/sc

3/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 exclude any tribal tax on a retail sale that is imposed on the  
2 seller if by law the seller may but is not required to collect  
3 such tax from the consumer, and if the tax is separately stated  
4 on the invoice, bill of sale, or similar document given to the  
5 purchaser.

6 The bill also amends the definition of "sales price" to  
7 include consideration received from third parties if four  
8 criteria are met. First, the seller must actually receive  
9 consideration from a party other than the purchaser and the  
10 consideration must be directly related to a price reduction  
11 or discount on the sale. Second, the seller must have an  
12 obligation to pass the price reduction or discount through  
13 to the purchaser. Third, the amount of the consideration  
14 attributable to the sale must be fixed and determinable by the  
15 seller at the time of the sale. Fourth, one of the following  
16 must apply: the purchaser presents to the seller a coupon,  
17 certificate, or other documentation acquired from a third party  
18 to claim a discount; the purchaser is identified to the seller  
19 as a member of a group or organization entitled to claim a  
20 price reduction or discount; or the price reduction or discount  
21 is identified as a third-party price reduction or discount  
22 on the invoice received by the purchaser or on a coupon,  
23 certificate, or other documentation presented by the purchaser.

24 The bill allows sellers that have not registered under the  
25 streamlined sales and use tax agreement but that are otherwise  
26 registered in the state and required to file sales tax returns  
27 to elect to file using the simplified electronic return.

28 The bill amends Code section 423.52 relating to liability  
29 relief for sellers and certified service providers. Under  
30 current law, relief from liability is granted to sellers and  
31 certified service providers who charge incorrect sales and  
32 use tax after relying on erroneous tax rate, boundary, or  
33 jurisdiction data provided by the state in databases derived  
34 from zip codes or addresses. However, the state may deny  
35 liability relief to a seller or certified service provider for

LSB 5302DP (3) 84

-4-

mm/sc

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 reliance on either database as long as the state maintains an  
2 address-based system for assigning taxing jurisdictions, and  
3 provides adequate notice to the affected parties. The bill  
4 provides that if the state maintains an address-based system  
5 for assigning taxing jurisdictions, it may only deny liability  
6 relief to sellers and certified service providers for errors  
7 resulting from the seller's or certified service provider's  
8 reliance on a database derived from zip codes.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House Study Bill 544 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
REVENUE BILL)

A BILL FOR

1 An Act updating the Code references to the Internal Revenue  
2 Code, and including effective date and retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5300DP (2) 84  
mm/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 15.335, subsection 7, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:

3 b. For purposes of this section, "*Internal Revenue Code*"  
4 means the Internal Revenue Code in effect on January 1, ~~2011~~  
5 2012.

6 Sec. 2. Section 15A.9, subsection 8, paragraph e,  
7 subparagraph (2), Code Supplement 2011, is amended to read as  
8 follows:

9 (2) For purposes of this subsection, "*Internal Revenue Code*"  
10 means the Internal Revenue Code in effect on January 1, ~~2011~~  
11 2012.

12 Sec. 3. Section 422.3, subsection 5, Code Supplement 2011,  
13 is amended to read as follows:

14 5. "*Internal Revenue Code*" means the Internal Revenue Code  
15 of 1954, prior to the date of its redesignation as the Internal  
16 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
17 the Internal Revenue Code of 1986 as amended to and including  
18 January 1, ~~2011~~ 2012.

19 Sec. 4. Section 422.10, subsection 3, paragraph b, Code  
20 Supplement 2011, is amended to read as follows:

21 b. For purposes of this section, "*Internal Revenue Code*"  
22 means the Internal Revenue Code in effect on January 1, ~~2011~~  
23 2012.

24 Sec. 5. Section 422.32, subsection 1, paragraph g, Code  
25 Supplement 2011, is amended to read as follows:

26 g. "*Internal Revenue Code*" means the Internal Revenue Code  
27 of 1954, prior to the date of its redesignation as the Internal  
28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means  
29 the Internal Revenue Code of 1986 as amended to and including  
30 January 1, ~~2011~~ 2012.

31 Sec. 6. Section 422.33, subsection 5, paragraph d,  
32 subparagraph (2), Code Supplement 2011, is amended to read as  
33 follows:

34 (2) For purposes of this subsection, "*Internal Revenue Code*"  
35 means the Internal Revenue Code in effect on January 1, ~~2011~~

LSB 5300DP (2) 84

-1-

mm/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 2012.

2 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 immediate importance, takes effect upon enactment.

4 Sec. 8. RETROACTIVE APPLICABILITY. This Act applies  
5 retroactively to January 1, 2011, for tax years beginning on  
6 or after that date.

7 EXPLANATION

8 This bill updates the Iowa Code references to the Internal  
9 Revenue Code to make federal income tax revisions enacted by  
10 Congress in 2011 applicable for Iowa income tax purposes.

11 Code sections 422.3 and 422.32, general definitions  
12 sections in the chapter of the Code that governs corporate  
13 and individual income tax and the franchise tax on financial  
14 institutions, are amended to update the references to the  
15 Internal Revenue Code to make certain federal income tax  
16 revisions enacted by Congress in 2011 applicable for purposes  
17 of the corporate and individual income taxes and the franchise  
18 tax on financial institutions.

19 Code sections 15.335, 15A.9, 422.10, and 422.33 are amended  
20 to update the Internal Revenue Code references to the state  
21 research activities credit for individuals, corporations,  
22 corporations in economic development areas, and corporations  
23 in quality jobs enterprise zones to include the 2011 federal  
24 changes to the research activities credit and the alternative  
25 simplified research activities credit.

26 The bill takes effect upon enactment and applies  
27 retroactively to January 1, 2011, for tax years beginning on  
28 or after that date.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House Study Bill 545 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
PUBLIC SAFETY BILL BY  
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act providing tuition and health insurance benefits to  
2 children of public safety employees who die in the line of  
3 duty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5180YC (2) 84  
ec/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. \_\_\_\_\_

1 Section 1. Section 260C.14, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 23. Adopt rules to waive tuition and  
4 mandatory fee charges for any student in good standing who is  
5 a resident of Iowa; is under the age of twenty-six, or under  
6 the age of thirty if the student is a qualified veteran as  
7 defined in subsection 14; is not a convicted felon as defined  
8 in section 910.15; and is the child of an individual who died  
9 in the line of duty as determined by section 97A.6, subsection  
10 16, section 97B.52, subsection 2, section 100B.31, or section  
11 411.6, subsection 15.

12 Sec. 2. Section 262.9, Code Supplement 2011, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 36. Adopt rules that require the  
15 institutions of higher education under its control to waive  
16 tuition and mandatory fee charges for any undergraduate student  
17 in good standing who is a resident of Iowa; is under the age  
18 of twenty-six, or under the age of thirty if the student is  
19 a qualified veteran as defined in subsection 17; is not a  
20 convicted felon as defined in section 910.15; and is the child  
21 of an individual who died in the line of duty as determined by  
22 section 97A.6, subsection 16, section 97B.52, subsection 2,  
23 section 100B.31, or section 411.6, subsection 15.

24 Sec. 3. Section 509A.13, Code 2011, is amended to read as  
25 follows:

26 **509A.13 Continuation of group insurance.**

27 1. If a governing body, a county board of supervisors, or a  
28 city council has procured for its employees accident, health,  
29 or hospitalization insurance, or a medical service plan, or has  
30 contracted with a health maintenance organization authorized  
31 to do business in this state, the governing body, county board  
32 of supervisors, or city council shall ~~allow~~ do all of the  
33 following:

34 a. Allow its employees who retired before attaining  
35 sixty-five years of age to continue participation in the group

LSB 5180YC (2) 84  
ec/nh

1/3





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. \_\_\_\_\_

1 plan or under the group contract at the employee's own expense  
2 until the employee attains sixty-five years of age.

3 b. Allow any child of an eligible deceased employee to  
4 continue participation in the group plan or under the group  
5 contract at the employer's expense until the child attains  
6 twenty-six years of age. For purposes of this paragraph,  
7 "eligible deceased employee" means an employee who died in  
8 the line of duty as determined by section 97A.6, subsection  
9 16, section 97B.52, subsection 2, section 100B.31, or section  
10 411.6, subsection 15.

11 2. This section applies to employees who retired on or  
12 after January 1, 1981, and to children of an eligible deceased  
13 employee who died on or after July 1, 2012.

14 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
15 3, shall not apply to this Act.

16 EXPLANATION

17 This bill provides health care and tuition benefits to  
18 children of public safety employees who died in the line of  
19 duty.

20 Code section 260C.14, concerning community colleges,  
21 is amended to provide that the board of directors of each  
22 community college shall adopt rules to waive tuition and  
23 mandatory fee charges for any student in good standing who is a  
24 resident of Iowa who is under the age of 26, or under the age  
25 of 30 if the student is a qualified veteran, is not a convicted  
26 felon, and is the child of an individual who died in the line  
27 of duty as determined by Code section 97A.6(16), Code section  
28 97B.52(2), Code section 100B.31, or Code section 411.6(15).

29 Code section 262.9, concerning the board of regents, is  
30 amended to provide that the board of regents shall adopt  
31 rules providing that institutions of higher education under  
32 its control waive tuition and mandatory fee charges for any  
33 undergraduate student in good standing who is a resident of  
34 Iowa, who is under the age of 26 or under the age of 30 if the  
35 student is a qualified veteran, is not a convicted felon, and

LSB 5180YC (2) 84  
ec/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

H.F. \_\_\_\_\_

1 is the child of an individual who died in the line of duty as  
2 determined by Code section 97A.6(16), Code section 97B.52(2),  
3 Code section 100B.31, or Code section 411.6(15).

4 Code section 509A.13, concerning continuation of group  
5 insurance for public employees, is amended to provide that  
6 any child of an employee who died in the line of duty on or  
7 after July 1, 2012, as determined by Code section 97A.6(16),  
8 Code section 97B.52(2), Code section 100B.31, or Code section  
9 411.6(15), shall be entitled to continue participation in that  
10 group insurance, at the employer's expense, until the child  
11 attains 26 years of age.

12 The bill may include a state mandate as defined in Code  
13 section 25B.3. The bill makes inapplicable Code section 25B.2,  
14 subsection 3, which would relieve a political subdivision from  
15 complying with a state mandate if funding for the cost of  
16 the state mandate is not provided or specified. Therefore,  
17 political subdivisions are required to comply with any state  
18 mandate included in the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House Study Bill 546 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
WORKFORCE DEVELOPMENT BILL)

A BILL FOR

1 An Act relating to child labor requirements administered by  
2 the labor commissioner, making penalties applicable, and  
3 including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5314DP (5) 84  
je/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 92.1, Code 2011, is amended to read as  
2 follows:

3 **92.1 Street occupations — migratory labor.**

4 ~~1. No A person under ten twelve~~ years of age shall not be  
5 employed or permitted to work with or without compensation  
6 at any time within this state in street occupations of  
7 peddling, ~~shoe polishing~~, the distribution or sale of  
8 newspapers, magazines, periodicals or circulars, nor in any  
9 other occupations in any street or public place. ~~The labor~~  
10 ~~commissioner shall, when ordered by a judge of the juvenile~~  
11 ~~court, issue a work permit as provided in this chapter to a~~  
12 ~~person under ten years of age.~~

13 ~~2. No person under twelve years of age shall be employed~~  
14 ~~or permitted to work with or without compensation at any time~~  
15 ~~within this state in connection with migratory labor, except~~  
16 ~~that the labor commissioner may upon sufficient showing by a~~  
17 ~~judge of the juvenile court, issue a work permit as provided in~~  
18 ~~this chapter to a person under twelve years of age.~~

19 Sec. 2. Section 92.2, Code 2011, is amended to read as  
20 follows:

21 **92.2 Over ten twelve and under sixteen years of age.**

22 1. A person over ten twelve and under sixteen years of age  
23 cannot be employed, with or without compensation, in street  
24 occupations ~~or migratory labor~~ as defined in section 92.1,  
25 unless the person holds a child labor work permit issued  
26 pursuant to this chapter ~~and the school the person attends has~~  
27 ~~certified that the person is regularly attending school and~~  
28 ~~the potential employment will not interfere with the person's~~  
29 ~~progress in school. A written agreement, as defined in section~~  
30 ~~92.11, subsection 1, shall not be required for the issuance of~~  
31 ~~a work permit under this section.~~

32 ~~a. Notwithstanding section 92.7, a person with a permit to~~  
33 ~~engage in migratory labor shall only work between 5:00 a.m. and~~  
34 ~~7:30 p.m. from Labor Day through June 1, and between 5:00 a.m.~~  
35 ~~and 9:00 p.m. for the remainder of the year.~~

LSB 5314DP (5) 84

-1-

je/sc

1/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 ~~b.~~ 2. Notwithstanding section 92.7, a person with a permit  
2 to engage engaged in street occupations shall only work between  
3 4:00 a.m. and 7:30 p.m. when local public schools are in  
4 session and between 4:00 a.m. and 8:30 p.m. for the remainder  
5 of the year.

6 ~~2. The requirements of section 92.10 shall not apply to~~  
7 ~~a person, firm, or corporation employing a person engaged in~~  
8 ~~street occupations pursuant to this section.~~

9 Sec. 3. Section 92.3, Code 2011, is amended to read as  
10 follows:

11 **92.3 Under fourteen — permitted occupations.**

12 ~~No~~ A person under fourteen years of age shall not be employed  
13 or permitted to work with or without compensation in any  
14 occupation, except in the street trade occupations ~~or migratory~~  
15 ~~labor occupations~~ specified in section 92.1. ~~Any migratory~~  
16 ~~laborer twelve to fourteen years of age may not work prior to~~  
17 ~~or during the regular school hours of any day of any private~~  
18 ~~or public school which teaches general education subjects and~~  
19 ~~which is available to such child.~~

20 Sec. 4. Section 92.4, subsection 4, Code 2011, is amended by  
21 striking the subsection.

22 Sec. 5. Section 92.8, subsection 19, Code 2011, is amended  
23 to read as follows:

24 19. Occupations involving exposure to ~~lead fumes or its~~  
25 ~~compounds, or to dangerous or poisonous dyes or~~ hazardous  
26 chemicals.

27 Sec. 6. Section 92.10, Code 2011, is amended to read as  
28 follows:

29 **92.10 Permit on file.**

30 Except as provided in section 92.2, a person under sixteen  
31 years of age shall not be employed or permitted to work with or  
32 without compensation unless the person, firm, or corporation  
33 employing such person receives and keeps on file accessible  
34 to any officer charged with the enforcement of this chapter,  
35 a work permit issued as provided in this chapter, and keeps a

LSB 5314DP (5) 84

-2-

je/sc

2/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 complete list of the names and ages of all such persons under  
2 sixteen years of age employed. An employer may complete and  
3 file a child labor work permit for an employee sixteen years of  
4 age or older.

5 ~~Certificates of age shall be issued for persons sixteen and~~  
6 ~~seventeen years of age and for all other persons eighteen and~~  
7 ~~over upon request of the person's prospective employer.~~

8 Sec. 7. Section 92.11, Code 2011, is amended by striking the  
9 section and inserting in lieu thereof the following:

10 **92.11 Issuance and revocation of child labor work permits.**

11 1. The labor commissioner shall develop and post on the  
12 division of labor services' internet site all of the following:

13 a. A child labor work permit form as provided by this  
14 section.

15 b. Information about the hours and occupation limitations as  
16 provided by this chapter.

17 c. An affidavit that may be completed by a licensed  
18 physician when no other proof of age is available.

19 2. Using the form created by the labor commissioner, the  
20 child shall complete the child's name, age, address, date  
21 of birth, place of birth, and gender, and shall sign the  
22 form. The child shall provide to the employer evidence of age  
23 consisting of one of the following forms of proof in descending  
24 order of preference:

25 a. A certified copy of the child's birth certificate legally  
26 filed with a registrar of vital statistics or other officer  
27 charged with the duty of recording births.

28 b. A passport.

29 c. Official documentation issued by the state or federal  
30 government that includes the child's age.

31 d. An affidavit on a form available from the labor  
32 commissioner signed by a licensed physician stating how old the  
33 physician believes the child to be.

34 3. A parent, guardian, or custodian of the child shall  
35 complete the parent's, guardian's, or custodian's name,

LSB 5314DP (5) 84

-3-

je/sc

3/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 address, and telephone number, and shall sign the form.

2 4. The employer shall complete the business name, address,  
3 and telephone number. The employer shall review the relevant  
4 limitations on hours and occupations as set forth in this  
5 chapter. The employer shall personally view the evidence of  
6 the child's age and shall make a copy of the proof of age and  
7 keep it on file. The employer shall sign the child labor work  
8 permit including certification of each of the following:

9 a. The employer has viewed and copied the child's proof of  
10 age.

11 b. The employer has read and understands the hours and  
12 occupation limitations pertaining to the child.

13 c. The employer agrees not to employ the child in a manner  
14 inconsistent with the hours and occupation limitations.

15 d. The information on the child labor work permit is true  
16 and accurate.

17 e. The employer understands that criminal and civil  
18 penalties may result from violations of this chapter.

19 5. The employer shall make at least three copies of the  
20 completed child labor work permit. The employer shall provide  
21 one copy of the completed child labor work permit to the child  
22 and one copy to the parent, guardian, or custodian. The  
23 employer shall retain at least one copy of the completed child  
24 labor work permit.

25 6. The employer shall file the original, completed child  
26 labor work permit with the labor commissioner. The child may  
27 begin work upon filing of the permit. The labor commissioner  
28 may contact the employer regarding correcting deficiencies in  
29 the child labor work permit. If the employer does not make  
30 needed corrections within seven days, the labor commissioner  
31 may initiate revocation proceedings.

32 7. The labor commissioner may revoke a child labor work  
33 permit upon good cause in accordance with the provisions of  
34 chapter 17A.

35 Sec. 8. Section 92.17, subsections 3 and 6, Code 2011, are

LSB 5314DP (5) 84

-4-

je/sc

4/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 amended to read as follows:

2 3. Work in the production of seed, limited to removal of  
3 off-type plants, corn tassels and hand-pollinating during the  
4 months of June, July, and August by persons fourteen years of  
5 age or over, and part-time work in agriculture, ~~not including~~  
6 ~~migratory labor~~.

7 6. A juvenile court from ordering a child ~~at least twelve~~  
8 ~~years old~~ to complete a work assignment of value to the state  
9 or to the public or to the victim of a crime committed by  
10 the child, in accordance with section 232.52, subsection 2,  
11 paragraph "a".

12 Sec. 9. Section 92.20, subsection 1, Code 2011, is amended  
13 to read as follows:

14 1. The parent, guardian, or person in charge of ~~any~~  
15 ~~migratory worker or of~~ any child who engages in any street  
16 occupation in violation of any of the provisions of this  
17 chapter shall be guilty of a serious misdemeanor.

18 Sec. 10. Section 92.22, Code 2011, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 8. The commissioner may file a petition for  
21 enforcement concerning a civil penalty that is final pursuant  
22 to chapter 17A. The clerk of court, unless otherwise ordered  
23 by the court, shall forthwith enter a decree and shall transmit  
24 a copy of the decree to the commissioner and the employer named  
25 in the petition.

26 Sec. 11. REPEAL. Sections 92.12, 92.13, 92.14, 92.15,  
27 92.16, and 92.18, Code 2011, are repealed.

28 Sec. 12. EFFECTIVE DATE. This Act takes effect January 1,  
29 2013.

30 EXPLANATION

31 This bill makes various changes to child labor requirements  
32 administered by the labor commissioner under Code chapter 92.

33 The bill removes all specific references in Code chapter  
34 92 to migratory labor, which is defined to include any person  
35 who customarily and repeatedly travels from state to state for

LSB 5314DP (5) 84

-5-

je/sc

5/7





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 the purpose of obtaining seasonal employment. The general  
2 provisions of Code chapter 92 remain applicable to such  
3 activity.

4 The bill raises the age at which a child may engage in street  
5 occupations such as newspaper delivery from 10 to 12 years of  
6 age. The bill removes an exemption for street occupations from  
7 the work permitting process.

8 The bill removes a provision requiring an issuing officer to  
9 issue certificates of age.

10 The bill revises the process for the issuance of work permits  
11 for child labor. The bill removes the responsibility of a  
12 superintendent of schools or other school official to issue a  
13 work permit. Under the bill, a child may begin work upon the  
14 child's employer filing a completed work permit form with the  
15 labor commissioner. The commissioner may contact the employer  
16 regarding any deficiencies in the form, and the employer will  
17 have seven days to make any corrections. The commissioner may  
18 revoke a work permit for good cause in accordance with Code  
19 chapter 17A, the Iowa administrative procedure Act. The bill  
20 sets out the information that must be included on a work permit  
21 form, including identifying information, contact information,  
22 and proof of age. The bill specifies that certain parts of a  
23 work permit form are to be filled out by the child; the child's  
24 parent, guardian, or custodian; and the child's employer. The  
25 bill requires an employer to verify the child's age, and to  
26 review and agree to obey the requirements of Code chapter 92.  
27 The bill removes from the information required on a work permit  
28 form the child's work hours and duties, height, weight, hair  
29 color, eye color, and last grade completed. The bill allows an  
30 employer to fill out a work permit for an employee 16 years of  
31 age or older.

32 Code chapter 92 provides that it is not to be construed to  
33 prohibit a juvenile court from ordering a child at least 12  
34 years old to complete a work assignment of value to the state  
35 or to the public or to the victim of a crime committed by the

LSB 5314DP (5) 84

-6-

je/sc

6/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 child. The bill removes this age limitation.

2 The bill allows the labor commissioner to file a petition  
3 for enforcement for a civil penalty if the penalty is final  
4 pursuant to Code chapter 17A and to promptly receive an  
5 enforcement decree.

6 The bill makes additional technical changes to Code chapter  
7 92.

8 The bill takes effect January 1, 2013.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

House File 589

S-5004

1 Amend House File 589, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. By striking everything after the enacting clause  
4 and inserting:  
5 <Section 1. Section 717A.1, Code 2011, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 2A. "Agricultural production  
8 facility" means an animal facility as defined in  
9 subsection 4, paragraph "a", or a crop operation  
10 property.  
11 Sec. 2. NEW SECTION. 717A.3A Agricultural  
12 production facility fraud.  
13 1. A person is guilty of agricultural production  
14 facility fraud if the person willfully does any of the  
15 following:  
16 a. Obtains access to an agricultural production  
17 facility by false pretenses.  
18 b. Makes a false statement or representation as  
19 part of an application or agreement to be employed  
20 at an agricultural production facility, if the  
21 person knows the statement to be false, and makes  
22 the statement with an intent to commit an act not  
23 authorized by the owner of the agricultural production  
24 facility, knowing that the act is not authorized.  
25 2. A person who commits agricultural production  
26 facility fraud under subsection 1 is guilty of the  
27 following:  
28 a. For the first conviction, a serious misdemeanor.  
29 b. For a second or subsequent conviction, an  
30 aggravated misdemeanor.  
31 3. a. A person who conspires to commit  
32 agricultural production facility fraud under subsection  
33 1 is subject to the provisions of chapter 706. A  
34 person who aids and abets in the commission of  
35 agricultural production facility fraud under subsection  
36 1 is subject to the provisions of chapter 703. When  
37 two or more persons, acting in concert, knowingly  
38 participate in committing agricultural production  
39 facility fraud under subsection 1, each person is  
40 responsible for the acts of the other person as  
41 provided in section 703.2. A person who has knowledge  
42 that agricultural production facility fraud under  
43 subsection 1 has been committed and that a certain  
44 person committed it, and who does not stand in the  
45 relation of husband or wife to the person committing  
46 the agricultural production facility fraud under  
47 subsection 1, and who harbors, aids, or conceals  
48 the person committing the agricultural production  
49 facility fraud under subsection 1, with the intent to  
50 prevent the apprehension of the person committing the

HF589.3471 (2) 84

-1-

da/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

1 agricultural production facility fraud under subsection  
2 1, is subject to section 703.3.  
3     **b.** A trial information or an indictment relating to  
4 agricultural production facility fraud under subsection  
5 1 need not contain allegations of vicarious liability  
6 as provided in chapter 703.  
7     Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being  
8 deemed of immediate importance, takes effect upon  
9 enactment.>  
10     2. Title page, line 1, by striking <offenses> and  
11 inserting <an offense>  
12     3. Title page, line 2, by striking <penalties and  
13 remedies> and inserting <penalties, and including  
14 effective date provisions>

---

DR. JOE M. SENG

---

TIM KAPUCIAN



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2029 - Introduced**

SENATE FILE 2029  
BY HOGG

**A BILL FOR**

1 An Act establishing a state renewable energy production goal.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5684SS (2) 84  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2029

1 Section 1. NEW SECTION. **473.4 Renewable energy goal.**

2 The goal of this state is to maximize the development,  
3 generation, and use of renewable energy in this state by  
4 setting forth the following renewable energy goals:

5 1. At least ten thousand megawatts of all electricity  
6 produced in this state shall be produced from renewable energy  
7 by 2020.

8 2. At least twenty thousand megawatts of all electricity  
9 produced in this state shall be produced from renewable energy  
10 by 2030.

11 EXPLANATION

12 This bill establishes a general renewable energy goal of  
13 maximizing the development, generation, and use of renewable  
14 energy in Iowa. The bill further specifies the goals of  
15 producing at least 10,000 megawatts of electricity from  
16 renewable energy by 2020, increasing to at least 20,000  
17 megawatts by 2030.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

Senate File 2030 - Introduced

SENATE FILE 2030  
BY BEALL

A BILL FOR

1 An Act relating to domestic abuse protective orders and pets or  
2 companion animals owned or held by a petitioner, respondent,  
3 or minor child of the petitioner or respondent in a domestic  
4 abuse case.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5044XS (5) 84  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2030

1 Section 1. Section 236.3, subsection 1, Code 2011, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *0g.* Name or description of any pet or  
4 companion animal owned, possessed, leased, kept, or held by the  
5 petitioner, respondent, or minor child of the petitioner or  
6 respondent whose welfare may be affected by the controversy.  
7 However, this paragraph shall not apply to livestock as defined  
8 in section 717.1, held solely or primarily for commercial  
9 purposes.

10 Sec. 2. Section 236.4, Code 2011, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3A. The court may include in the temporary  
13 order issued pursuant to this section a grant to the petitioner  
14 of the exclusive care, possession, or control of any pets or  
15 companion animals owned, possessed, leased, kept, or held by  
16 the petitioner, respondent, or minor child of the petitioner or  
17 respondent whose welfare may be affected by the controversy.  
18 The court may forbid the respondent from approaching, taking,  
19 transferring, encumbering, concealing, molesting, attacking,  
20 striking, threatening, harming, or otherwise disposing of the  
21 pet or companion animal. This subsection shall not apply to  
22 livestock as defined in section 717.1, held solely or primarily  
23 for commercial purposes.

24 Sec. 3. Section 236.4, subsection 4, Code 2011, is amended  
25 to read as follows:

26 4. If a hearing is continued, the court may make or extend  
27 any temporary order under subsection 2, ~~or~~ 3, or 3A that it  
28 deems necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b, Code 2011,  
30 is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (7) A grant to the petitioner of  
32 the exclusive care, possession, or control of any pets or  
33 companion animals owned, possessed, leased, kept, or held by  
34 the petitioner, respondent, or minor child of the petitioner or  
35 respondent whose welfare may be affected by the controversy.

LSB 5044XS (5) 84

-1-

rh/nh

1/2





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2030

1 The court may forbid the respondent from approaching, taking,  
2 transferring, encumbering, concealing, molesting, attacking,  
3 striking, threatening, harming, or otherwise disposing of the  
4 pet or companion animal. This subparagraph shall not apply to  
5 livestock as defined in section 717.1, held solely or primarily  
6 for commercial purposes.

7 EXPLANATION

8 This bill relates to domestic abuse protective orders  
9 and pets or companion animals owned or held by a petitioner,  
10 respondent, or minor child of the petitioner or respondent in  
11 a domestic abuse case.

12 The bill provides that a person who files a petition for  
13 relief from domestic abuse pursuant to Code section 236.3 may  
14 include in the petition the name or description of any pet or  
15 companion animal owned, possessed, leased, kept, or held by the  
16 petitioner, respondent, or minor child of the petitioner or  
17 respondent whose welfare may be affected by the controversy.

18 The bill further provides the court may include in both  
19 temporary and permanent orders issued a grant to the petitioner  
20 of the exclusive care, possession, or control of any pets or  
21 companion animals owned, possessed, leased, kept, or held by  
22 the petitioner, respondent, or minor child of the petitioner or  
23 respondent whose welfare may be affected by the controversy.  
24 The court may forbid the respondent from approaching, taking,  
25 transferring, encumbering, concealing, molesting, attacking,  
26 striking, threatening, harming, or otherwise disposing of the  
27 pet or companion animal.

28 The bill does not apply to livestock as defined in Code  
29 section 717.1, held solely or primarily for commercial  
30 purposes.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2031 - Introduced**

SENATE FILE 2031  
BY McCOY

**A BILL FOR**

1 An Act relating to the statute of repose period in a case  
2 arising out of the unsafe or defective condition of an  
3 improvement to real property and including an applicability  
4 date provision.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5627SS (1) 84  
rh/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2031

1 Section 1. Section 614.1, subsection 11, Code 2011, is  
2 amended to read as follows:

3 11. *Improvements to real property.* In addition to  
4 limitations contained elsewhere in this section, an action  
5 arising out of the unsafe or defective condition of an  
6 improvement to real property based on tort and implied warranty  
7 and for contribution and indemnity, and founded on injury to  
8 property, real or personal, or injury to the person or wrongful  
9 death, shall not be brought more than ~~fifteen~~ eight years after  
10 the date on which occurred the act or omission of the defendant  
11 alleged in the action to have been the cause of the injury or  
12 death. However, this subsection does not bar an action against  
13 a person solely in the person's capacity as an owner, occupant,  
14 or operator of an improvement to real property.

15 Sec. 2. APPLICABILITY. This Act applies to all actions  
16 filed on or after the effective date of this Act.

17 EXPLANATION

18 This bill relates to the statute of repose period in a  
19 case arising out of the unsafe or defective condition of an  
20 improvement to real property.

21 The bill reduces the 15-year statute of repose period in a  
22 case arising out of the unsafe or defective condition of an  
23 improvement to real property to eight years. Such cases are  
24 based upon an injury to property or an injury or death of a  
25 person.

26 A statute of repose period differs from a statute of  
27 limitations period in that a statute of repose period  
28 establishes a time period after which a lawsuit based upon  
29 negligence in an improvement to real property cannot be filed  
30 regardless of whether an injury to a person or to property has  
31 occurred. A statute of limitations period begins at the date  
32 of the injury or upon discovery of the deficiency.

33 The bill applies to all actions filed on or after the  
34 effective date of the bill.

LSB 5627SS (1) 84

-1-

rh/rj

1/1



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2032 - Introduced**

SENATE FILE 2032

BY BOLKCOM, DANIELSON,  
DVORSKY, DOTZLER, JOCHUM,  
HANCOCK, HATCH, DEARDEN,  
HORN, FRAISE, COURTNEY,  
KIBBIE, MCCOY, QUIRMBACH,  
BEALL, MATHIS, WILHELM,  
RAGAN, HOGG, SODDERS, and  
SCHOENJAHN

**A BILL FOR**

1 An Act relating to advocacy for long-term care residents and  
2 making an appropriation.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5534XS (3) 84  
pf/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2032

1 Section 1. NEW SECTION. 231.45 Certified volunteer  
2 long-term care resident's advocate program.

3 1. The department shall establish a certified volunteer  
4 long-term care resident's advocate program in accordance with  
5 the federal Act to provide assistance to the state and local  
6 long-term care resident's advocates.

7 2. The department shall develop and implement a  
8 certification process for volunteer long-term care resident's  
9 advocates including but not limited to an application process,  
10 provision for background checks, classroom or on-site training,  
11 orientation, and continuing education.

12 3. The provisions of section 231.42 relating to local  
13 long-term care resident's advocates shall apply to certified  
14 volunteer long-term care resident's advocates.

15 4. The department shall adopt rules pursuant to chapter 17A  
16 to administer this section.

17 Sec. 2. LOCAL LONG-TERM CARE RESIDENT'S ADVOCATES —  
18 APPROPRIATION. It is the intent of the general assembly that  
19 the number of local long-term care resident's advocates as  
20 provided in section 231.42 be increased each year until 15  
21 local long-term care resident's advocates are available in  
22 the state. For the fiscal year beginning July 1, 2012, and  
23 ending June 30, 2013, the following amount, or so much thereof,  
24 is appropriated to the department on aging for the purpose  
25 designated:

26 To provide an additional local long-term care resident's  
27 advocate:  
28 ..... \$ 100,000

29 Sec. 3. SUFFICIENT STAFFING OF NURSING FACILITIES —  
30 WORKGROUP REVIEW AND RECOMMENDATIONS. The department on aging  
31 shall convene a workgroup to review staffing in nursing homes  
32 to make recommendations regarding what constitutes sufficient  
33 staffing in meeting resident satisfaction and in providing  
34 quality care. The workgroup shall consist of interested  
35 consumers and providers, and shall include representatives of

LSB 5534XS (3) 84  
pf/nh

-1-

1/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2032

1 the office of the state long-term care resident's advocate, the  
2 department of inspections and appeals, the department of human  
3 services, and other appropriate state agencies or departments.  
4 The workgroup shall, at a minimum, review national research  
5 and current practices in developing its recommendations. The  
6 workgroup shall make recommendations to the general assembly no  
7 later than December 15, 2012.

8 EXPLANATION

9 This bill relates to advocacy for long-term care residents.  
10 The bill directs the department on aging (IDA) to establish  
11 a certified volunteer long-term care resident's advocate  
12 program to provide assistance to the state and local long-term  
13 care resident's advocates. The department is to develop and  
14 implement a certification process for volunteer long-term care  
15 resident's advocates. The bill provides that the provisions  
16 relating to local long-term care resident's advocates shall  
17 apply to certified volunteer long-term care resident's  
18 advocates, and directs IDA to adopt rules pursuant to Code  
19 chapter 17A to administer the provisions.

20 The bill also provides that it is the intent of the general  
21 assembly that the number of local long-term care resident's  
22 advocates be increased each year until 15 local long-term  
23 care resident's advocates are available in the state; and  
24 appropriates \$100,000 to IDA for FY 2012-2013 to provide an  
25 additional local long-term care resident's advocate.

26 The bill directs IDA to convene a workgroup to review  
27 staffing in nursing homes to make recommendations regarding  
28 what constitutes sufficient staffing in meeting resident  
29 satisfaction and in providing quality care. The workgroup  
30 is to consist of interested consumers, providers, and  
31 representatives of the office of the state long-term care  
32 resident's advocate, the department of inspections and appeals,  
33 the department of human services, and other appropriate state  
34 agencies or departments. The workgroup is directed to review  
35 national research and current practices in developing its



**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012**

**S.F. 2032**

1 recommendations, and to make recommendations to the general  
2 assembly no later than December 15, 2012.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

Senate File 2033 - Introduced

SENATE FILE 2033  
BY KETTERING

A BILL FOR

1 An Act providing for a partial allocation of financial  
2 institution franchise tax revenue to cities and counties,  
3 making an appropriation, and providing effective date and  
4 retroactive applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5528XS (4) 84  
rn/sc





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2033

1 Section 1. NEW SECTION. 422.65 Allocation of revenue.

2 1. Of the moneys received from the franchise tax and  
3 credited to the general fund of the state, an amount equivalent  
4 to thirty percent is appropriated from the general fund of the  
5 state to the department of revenue and shall be allocated and  
6 paid as follows:

7 a. Sixty percent to the general fund of the city from which  
8 the tax is collected.

9 b. Forty percent to the general fund of the county from  
10 which the tax is collected.

11 2. If the financial institution maintains one or more  
12 offices for the transaction of business, other than its  
13 principal office, a portion of its franchise tax shall be  
14 allocated to each office based upon a reasonable measure of  
15 the business activity of each office. The director shall  
16 prescribe, for each type of financial institution, a method  
17 of measuring the business activity of each office. Financial  
18 institutions shall furnish all necessary information for this  
19 purpose at the request of the director.

20 3. The amounts appropriated shall be paid quarterly on  
21 warrants by the director, as allocated.

22 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
25 retroactively to January 1, 2012.

26 EXPLANATION

27 This bill provides for a partial allocation of revenue  
28 derived from the franchise tax imposed on financial  
29 institutions in division V of Code chapter 422. The bill  
30 specifies that of the moneys received from the franchise tax  
31 and credited to the general fund, an amount equivalent to 30  
32 percent shall be appropriated to the department of revenue  
33 and allocated to cities and counties. The bill provides that  
34 60 percent of this amount shall be allocated and paid to the  
35 general fund of the city from which the tax is collected, and

LSB 5528XS (4) 84

-1-

rn/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2033

1 that 40 percent shall be allocated and paid to the general fund  
2 of the county from which the tax is collected.

3 The bill takes effect upon enactment and is retroactively  
4 applicable to January 1, 2012.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2034 - Introduced**

SENATE FILE 2034

BY McCOY

(COMPANION TO HF 2005 BY  
BALTIMORE)

**A BILL FOR**

1 An Act relating to the retention of funds due to contractors on  
2 public improvements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5391SS (1) 84  
je/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2034

1 Section 1. Section 573.1, Code 2011, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 2A. "*Principal contractor*" means those  
4 persons, firms, or corporations having contracts directly with  
5 the public corporation.

6 NEW SUBSECTION. 6. "*Subcontractor*" shall include every  
7 person, firm, or corporation performing labor for or furnishing  
8 materials to a public improvement, except those persons, firms,  
9 or corporations having contracts directly with the public  
10 corporation.

11 Sec. 2. Section 573.15, Code 2011, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 **573.15 Exception.**

14 1. A person, firm, or corporation performing labor for or  
15 furnishing materials to a subcontractor shall not be entitled  
16 to a claim against the retainage or bond under this chapter  
17 unless the person, firm, or corporation performing the labor or  
18 furnishing the materials does all of the following:

19 *a.* Notifies the principal contractor in writing with a  
20 one-time notice containing the name, mailing address, and  
21 telephone number of the person, firm, or corporation performing  
22 the labor or furnishing the materials and the name of the  
23 subcontractor for whom the labor was performed or to whom the  
24 materials were furnished, within forty-five calendar days after  
25 first performing the labor or furnishing the materials for the  
26 public improvement. Additional labor performed, or materials  
27 furnished by the same person, firm, or corporation to the same  
28 subcontractor for the public improvement shall be covered by  
29 this notice.

30 *b.* Supports the claim with a certified statement that the  
31 principal contractor was notified in writing with a notice  
32 containing the name, mailing address, and telephone number  
33 of the person, firm, or corporation performing the labor or  
34 furnishing the materials and the name of the subcontractor for  
35 whom the labor was performed or to whom the materials were

LSB 5391SS (1) 84

-1-

je/sc

1/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2034

1 furnished, within forty-five calendar days after the labor  
2 was performed or the materials were furnished, pursuant to  
3 paragraph "a".

4 2. Notwithstanding any other provision of this chapter, a  
5 principal contractor shall not be prohibited from requesting  
6 information from a subcontractor or from a person, firm, or  
7 corporation performing labor for or furnishing materials to a  
8 subcontractor regarding payments made or payments to be made  
9 to a person, firm, or corporation performing labor for or  
10 furnishing materials to a subcontractor.

11 3. This section does not apply to claims for labor  
12 filed by employees of principal contractors or employees of  
13 subcontractors.

14 4. A public corporation shall not retain any part of the  
15 unpaid fund due to the contractor as provided in this chapter  
16 because of the commencement of any action by the contractor  
17 against the state department of transportation under authority  
18 granted in section 613.11.

19 EXPLANATION

20 Current law provides an exception to the requirement that a  
21 public corporation retain a portion of funds due a contractor  
22 on a public improvement project in a fund for the payment  
23 of claims for materials furnished and labor performed. The  
24 exception provides that a public corporation need only retain  
25 funds due a supplier of material to a general contractor if  
26 the supplier provides the general contractor with one of two  
27 permitted types of notice after the materials are supplied.

28 This bill provides that the exception shall apply to both  
29 claims for labor and claims for material. The bill also amends  
30 the notice requirement to provide that a supplier of labor  
31 or material to a general contractor must give only one type  
32 of notice, along with a certified statement that such notice  
33 was given. The bill provides that a principal contractor, as  
34 defined in the bill, shall not be prohibited from requesting  
35 information from a subcontractor or from an entity performing

LSB 5391SS (1) 84

-2-

je/sc

2/3



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2034

1 labor for or furnishing materials to a subcontractor regarding  
2 payments made to the entity from the subcontractor for labor or  
3 materials. The bill provides that the bill does not apply to  
4 claims for labor filed by employees of principal contractors  
5 or employees of subcontractors.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2035 - Introduced**

SENATE FILE 2035  
BY BEALL

**A BILL FOR**

1 An Act relating to child abuse by prohibiting retaliation  
2 for reporting, providing for implementation of reporting  
3 policies at postsecondary institutions, requiring  
4 planning for training requirements, and providing for the  
5 distribution of information on child sexual abuse, and  
6 providing a remedy.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5485XS (3) 84  
ad/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2035

1 Section 1. Section 232.73, unnumbered paragraph 2, Code  
2 2011, is amended to read as follows:

3 As used in this section and in sections 232.73A, 232.77, and  
4 232.78, "*medically relevant test*" means a test that produces  
5 reliable results of exposure to cocaine, heroin, amphetamine,  
6 methamphetamine, or other illegal drugs, or combinations or  
7 derivatives of the illegal drugs, including a drug urine screen  
8 test.

9 Sec. 2. NEW SECTION. 232.73A Retaliation prohibited —  
10 remedy.

11 1. a. An employer shall not take retaliatory action against  
12 an employee as a reprisal for the employee's participation in  
13 good faith in making a report, photograph, or X ray, or in  
14 the performance of a medically relevant test pursuant to this  
15 chapter, or aiding and assisting in an assessment of a child  
16 abuse report pursuant to section 232.71B. This section does  
17 not apply to a disclosure of information that is prohibited by  
18 statute.

19 b. For purposes of this section, "*retaliatory action*"  
20 includes but is not limited to an employer's action to  
21 discharge an employee or to take or fail to take action  
22 regarding an employee's appointment or proposed appointment  
23 to, to take or fail to take action regarding an employee's  
24 promotion or proposed promotion to, or to fail to provide an  
25 advantage in a position in employment.

26 2. Subsection 1 may be enforced through a civil action.

27 a. A person who violates subsection 1 is liable to  
28 an aggrieved employee for affirmative relief including  
29 reinstatement, with or without back pay, or any other equitable  
30 relief the court deems appropriate, including attorney fees and  
31 costs.

32 b. When a person commits, is committing, or proposes to  
33 commit an act in violation of subsection 1, an injunction may  
34 be granted through an action in district court to prohibit the  
35 person from continuing such acts. The action for injunctive

LSB 5485XS (3) 84

-1-

ad/nh

1/5





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2035

1 relief may be brought by an aggrieved employee or the county  
2 attorney.

3 Sec. 3. Section 260C.14, Code 2011, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 23. Develop and implement a consistent  
6 written policy for an employee who in the scope of the person's  
7 employment responsibilities examines, attends, counsels,  
8 treats, supervises, or has direct contact with a child to  
9 report suspected child abuse. The policy shall include  
10 an employee's reporting responsibilities. The reporting  
11 responsibilities shall designate the time, circumstances, and  
12 method for reporting suspected child abuse to the community  
13 college's administration and reporting to law enforcement.  
14 Nothing in the policy shall prohibit an employee from reporting  
15 suspected child abuse in good faith to law enforcement.

16 Sec. 4. Section 261.9, subsection 1, unnumbered paragraph  
17 1, Code Supplement 2011, is amended to read as follows:

18 "*Accredited private institution*" means an institution of  
19 higher learning located in Iowa which is operated privately  
20 and not controlled or administered by any state agency or  
21 any subdivision of the state and which meets the criteria in  
22 paragraphs "a" and "b" and all of the criteria in paragraphs "d"  
23 through "~~g~~" "h", except that institutions defined in paragraph  
24 "c" of this subsection are exempt from the requirements of  
25 paragraphs "a" and "b":

26 Sec. 5. Section 261.9, subsection 1, Code Supplement 2011,  
27 is amended by adding the following new paragraph:

28 NEW PARAGRAPH. *h.* Develops and implements a consistent  
29 written policy for an employee who in the scope of the person's  
30 employment responsibilities examines, attends, counsels,  
31 treats, supervises, or has direct contact with a child to  
32 report suspected child abuse. The policy shall include  
33 an employee's reporting responsibilities. The reporting  
34 responsibilities shall designate the time, circumstances, and  
35 method for reporting suspected child abuse to the accredited

LSB 5485XS (3) 84  
ad/nh

2/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2035

1 private institution's administration and reporting to law  
2 enforcement. Nothing in the policy shall prohibit an employee  
3 from reporting suspected child abuse in good faith to law  
4 enforcement.

5 Sec. 6. Section 262.9, Code Supplement 2011, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 36. Develop and implement a consistent  
8 written policy for an employee who in the scope of the person's  
9 employment responsibilities examines, attends, counsels,  
10 treats, supervises, or has direct contact with a child to  
11 report suspected child abuse. The policy shall include  
12 an employee's reporting responsibilities. The reporting  
13 responsibilities shall designate the time, circumstances,  
14 and method for reporting suspected child abuse to the  
15 administration of the institution of higher learning and  
16 reporting to law enforcement. Nothing in the policy shall  
17 prohibit an employee from reporting suspected child abuse in  
18 good faith to law enforcement.

19 Sec. 7. REPORT ON MANDATORY REPORTER TRAINING.

20 1. The abuse education review panel as established by  
21 the department of public health pursuant to section 135.11,  
22 subsection 24, shall develop a plan to provide more frequent,  
23 informative, and effective training for mandatory reporters.

24 2. The abuse education review panel shall, by December  
25 1, 2012, submit a report of its plan to the governor and the  
26 general assembly.

27 Sec. 8. REQUEST FOR PROPOSALS.

28 1. On or before September 30, 2012, the department of  
29 human services shall implement a request for proposals process  
30 to enter into a contract with a not-for-profit entity for  
31 the purpose of providing a single source internet site for  
32 providing comprehensive, recent, and relevant information  
33 regarding child sexual abuse to all Iowa citizens.

34 2. Prior to awarding a contract, a not-for-profit entity  
35 shall demonstrate the following:

LSB 5485XS (3) 84  
ad/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2035

1     a. The ability and resources to establish, design,  
2 and maintain an internet site to provide all Iowans with  
3 information related to child sexual abuse.  
4     b. The ability to collect the relevant information from  
5 state agencies and other state and local entities and integrate  
6 the information into a single source internet site.  
7     3. By March 1, 2013, the department of human services shall  
8 award the contract pursuant to this section.

9                                   EXPLANATION

10    This bill relates to abuse of children by prohibiting  
11 retaliation for reporting, providing for implementation of  
12 reporting policies at postsecondary institutions, requiring  
13 planning for training requirements, and providing for the  
14 distribution of information on child sexual abuse. New Code  
15 section 232.73A prohibits an employer from taking retaliatory  
16 action, as defined in the bill, against an employee as a  
17 reprisal for the employee's participation in good faith in  
18 making a child abuse report, photograph, or X ray, or in  
19 the performance of a medically relevant test, or aiding and  
20 assisting in an assessment of a child abuse report pursuant  
21 to Code section 232.71B. The retaliation prohibition does  
22 not apply when the disclosure of information is prohibited by  
23 statute. The bill provides that the retaliation prohibition  
24 may be enforced through civil action. A person who violates  
25 the retaliation prohibition is liable to an aggrieved employee  
26 and if the person commits, is committing, or proposes to commit  
27 a prohibited retaliation, an injunction may be granted. The  
28 bill makes conforming amendments.

29    The bill requires the boards of directors for community  
30 colleges, accredited private institutions of higher learning,  
31 and the board of regents for institutions of higher learning  
32 to develop and implement a consistent written policy for  
33 an employee who has direct contact with a child to report  
34 suspected child abuse. The policy must include an employee's  
35 responsibilities, including the time, circumstances, and method

LSB 5485XS (3) 84  
ad/nh

-4-

4/5



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**January 19, 2012**

S.F. 2035

1 for reporting suspected child abuse to the postsecondary  
2 institution's administration and law enforcement. The  
3 bill states that the policy shall not prohibit an employee  
4 from reporting suspected child abuse in good faith to law  
5 enforcement.

6 The bill requires the abuse education review panel  
7 established pursuant to Code section 135.11 to develop a plan  
8 to provide more frequent, informative, and effective training  
9 for mandatory reporters. The bill states that the panel shall  
10 submit the report to the governor and the general assembly by  
11 December 1, 2012.

12 The bill requires the department of human services to  
13 implement a request for proposals process to enter into a  
14 contract with a not-for-profit entity for the purpose of  
15 providing a single source internet site for child sexual  
16 abuse information. A not-for-profit entity shall demonstrate  
17 the ability and resources to establish, design, and maintain  
18 an internet site and the ability to collect the relevant  
19 information and integrate that information into a single source  
20 internet site. The department must award the contract by March  
21 1, 2013.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2036 - Introduced**

SENATE FILE 2036  
BY ANDERSON and KETTERING

**A BILL FOR**

1 An Act relating to rules adopted by the state board of  
2 education for the provision and supervision of courses  
3 delivered by means of telecommunications.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5400XS (5) 84  
kh/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2036

1 Section 1. Section 256.7, subsection 7, paragraph b, Code  
2 Supplement 2011, is amended to read as follows:  
3 b. The rules shall provide that when the curriculum is  
4 taught by an appropriately licensed teacher at the location at  
5 which the telecommunications originates, the curriculum shall  
6 be received at a remote site shall be under the supervision of  
7 a licensed teacher at any remote site. ~~The licensed teacher at~~  
8 ~~the originating site may provide supervision of students at a~~  
9 ~~remote site or the school district in which the remote site is~~  
10 ~~located may provide for supervision at the remote site if the~~  
11 ~~school district deems it necessary or if requested to do so by~~  
12 ~~the licensed teacher at the originating site.~~ For the purposes  
13 of this subsection, "supervision":  
14 (1) "Supervision" means that the curriculum is monitored by  
15 a proctor who need not be a licensed teacher and the teacher  
16 is but shall be accessible to the students receiving the  
17 curriculum by means of telecommunications.  
18 (2) "Proctor" means a school librarian, school teacher,  
19 school administrator, school guidance counselor, teacher  
20 assistant, para-educator, or other individuals approved by the  
21 department.  
22 Sec. 2. Section 256.7, subsection 7, paragraph c, Code  
23 Supplement 2011, is amended by striking the paragraph.  
24 Sec. 3. Section 256.7, subsection 8, Code Supplement 2011,  
25 is amended by striking the subsection and inserting in lieu  
26 thereof the following:  
27 8. a. At the discretion of the board of directors of a  
28 school district or the authorities in charge of a school,  
29 after taking into consideration necessity, convenience, and  
30 cost-effectiveness, brokered courses developed by outside  
31 sources may be approved for use by a school district or school.  
32 b. Courses used by a school district or school in  
33 accordance with paragraph "a" shall be taught by means of  
34 telecommunications by teachers licensed under chapter 272;  
35 however, if the director determines special circumstances

LSB 5400XS (5) 84

-1-

kh/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2036

1 exist, the director may waive this requirement.

2 EXPLANATION

3 This bill directs that the rules adopted by the state  
4 board of education for the use of telecommunications as an  
5 instructional tool for students enrolled in kindergarten  
6 through grade 12 must provide that when the curriculum is  
7 taught by an appropriately licensed teacher at the location  
8 at which the telecommunications originates, the curriculum  
9 shall be received under supervision at any remote site.  
10 "Supervision" is defined to mean that the curriculum is  
11 monitored by a proctor who need not be a licensed teacher, but  
12 shall be accessible to the students receiving the curriculum by  
13 means of telecommunications. "Proctor" is defined to mean a  
14 school librarian, school teacher, school administrator, school  
15 guidance counselor, teacher assistant, para-educator, or other  
16 individual approved by the department.

17 Also, at the discretion of the board of directors of a  
18 school district or the authorities in charge of a school,  
19 after taking into consideration necessity, convenience, and  
20 cost-effectiveness, brokered courses developed by outside  
21 sources may be approved for use by a school district or school.  
22 Such courses shall be taught by means of telecommunications  
23 by teachers licensed under Code chapter 272; however, if the  
24 director of the department of education determines special  
25 circumstances exist, the director may waive this requirement.

26 The bill eliminates language that provides that  
27 telecommunications shall not be used by school districts as  
28 the exclusive means to provide any course which is required  
29 by the minimum educational standards for accreditation, and  
30 a provision that requires the state board to establish an  
31 advisory committee to make recommendations for rules on the use  
32 of telecommunications as an instructional tool.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2037 - Introduced**

SENATE FILE 2037  
BY HAMERLINCK, ERNST, and  
BEALL

**A BILL FOR**

1 An Act allowing a veteran to request that the veteran's  
2 driver's license or nonoperator's identification card be  
3 marked with the word "VETERAN" to indicate veteran status.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5540SS (2) 84  
aw/nh





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2037

1 Section 1. Section 321.189, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. *Veteran status.* Upon request of a  
4 licensee who is a veteran of the armed forces of the United  
5 States, the word "VETERAN" shall appear prominently on the  
6 face of the license. Such a license shall be issued only upon  
7 receipt of satisfactory proof of veteran status pursuant to  
8 procedures established by the department.

9 Sec. 2. Section 321.190, subsection 1, paragraph b, Code  
10 Supplement 2011, is amended to read as follows:

11 b. (1) The department shall not issue a card to a person  
12 holding a driver's license. However, a card may be issued to a  
13 person holding a temporary permit under section 321.181. The  
14 card shall be identical in form to a driver's license issued  
15 under section 321.189 except the word "nonoperator" shall  
16 appear prominently on the face of the card.

17 (2) A nonoperator's identification card issued to a person  
18 under eighteen years of age shall contain the same information  
19 as any other nonoperator's identification card except that the  
20 words "under eighteen" shall appear prominently on the face of  
21 the card.

22 (3) A nonoperator's identification card issued to a  
23 person eighteen years of age or older but under twenty-one  
24 years of age shall contain the same information as any other  
25 nonoperator's identification card except that the words "under  
26 twenty-one" shall appear prominently on the face of the card.

27 (4) A nonoperator's identification card issued to a veteran  
28 of the armed forces of the United States who satisfies the  
29 requirements of section 321.189, subsection 8, shall contain  
30 the same information as any other nonoperator's identification  
31 card except the word "VETERAN" shall appear prominently on the  
32 face of the card.

33 EXPLANATION

34 This bill provides that a person who is a veteran of the  
35 armed forces of the United States may request to have that

LSB 5540SS (2) 84

-1-

aw/nh

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2037

1 status noted on the person's driver's license or nonoperator's  
2 identification card. A veteran making such a request is  
3 required to provide proof of veteran status. The license card  
4 issued to the veteran will have the word "VETERAN" marked  
5 prominently on its face.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2038 - Introduced**

SENATE FILE 2038  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO SSB 3010)

**A BILL FOR**

1 An Act relating to the duties and requirements of the  
2 department of veterans affairs and the commission of  
3 veterans affairs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5130SV (1) 84  
aw/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1 Section 1. Section 35A.2, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The commissioners are entitled  
4 to receive reimbursement for actual expenses incurred while  
5 engaged in the performance of official duties. Each member of  
6 the commission may also be eligible to receive compensation as  
7 provided in section 7E.6.

8 *b.* The executive director, commandant, and employees of the  
9 department and the Iowa veterans home are entitled to receive,  
10 in addition to salary, reimbursement for actual expenses  
11 incurred while engaged in the performance of official duties.

12 *c.* All out-of-state travel by commissioners shall be  
13 approved by the chairperson of the commission.

14 Sec. 2. Section 35A.5, subsection 4, Code Supplement 2011,  
15 is amended to read as follows:

16 4. Permanently maintain the records including certified  
17 records of bonus applications for awards paid ~~from the war~~  
18 ~~orphans educational fund under chapter 35.~~

19 Sec. 3. Section 35A.5, subsection 5, Code Supplement 2011,  
20 is amended by striking the subsection and inserting in lieu  
21 thereof the following:

22 5. *a.* Coordinate with United States department of veterans  
23 affairs hospitals, health care facilities, and clinics in this  
24 state and the department of public health to provide assistance  
25 to veterans and their families to reduce the incidence of  
26 alcohol and chemical dependency and suicide among veterans and  
27 to make mental health counseling available to veterans.

28 *b.* The assistance program shall include but not be limited  
29 to the following:

30 (1) Public education and awareness programs for veterans,  
31 health care professionals, and the public, relative to the  
32 needs of veterans.

33 (2) Referral services to identify appropriate counseling  
34 and treatment programs for veterans in need of services.

35 *c.* Any assistance program established pursuant to this

LSB 5130SV (1) 84

-1-

aw/sc

1/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1 subsection shall be implemented in a manner that does not  
2 duplicate other services readily available to veterans.

3 Sec. 4. Section 35A.5, subsection 6, Code Supplement 2011,  
4 is amended to read as follows:

5 6. Conduct ~~two~~ one service ~~schools~~ school each year for  
6 ~~the Iowa association of~~ county commissioners and ~~executive~~  
7 ~~directors~~ one service school for executive directors and  
8 administrators. The service school for executive directors  
9 and administrators shall provide at least sixteen continuing  
10 education units.

11 Sec. 5. Section 35A.8, subsections 4 and 5, Code 2011, are  
12 amended by striking the subsections.

13 Sec. 6. Section 35A.16, subsection 4, Code 2011, is amended  
14 to read as follows:

15 4. A county commission of veteran affairs training program  
16 account shall be established within the county commissions  
17 of veteran affairs fund. Any moneys remaining in the fund  
18 after the allocations under subsection 3 shall be credited  
19 to the account and used by the department to fund the county  
20 commission of veteran affairs training program under section  
21 35A.17 and training for department personnel.

22 Sec. 7. NEW SECTION. 35A.19 War orphans educational  
23 **assistance fund.**

24 A war orphans educational assistance fund is created as a  
25 separate fund in the state treasury under the control of the  
26 department of veterans affairs. Any money appropriated for  
27 the purpose of assisting in the education of orphaned children  
28 of veterans, as defined in section 35.1, or the education of  
29 a child as provided in section 35A.20, subsection 2, shall  
30 be deposited in the war orphans educational assistance fund.  
31 Notwithstanding section 8.33, any unexpended or unencumbered  
32 moneys remaining in the fund at the end of the fiscal year  
33 shall not revert, but shall remain available for expenditure  
34 for purposes of this section in succeeding fiscal years.

35 Sec. 8. NEW SECTION. 35A.20 **Expenditure by department.**

LSB 5130SV (1) 84

-2-

aw/sc

2/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1     1.   *a.*   The department may expend not more than six hundred  
2 dollars per year for any one child who has lived in the state of  
3 Iowa for two years preceding application for state educational  
4 assistance, and who is the child of a person who died prior  
5 to September 11, 2001, during active federal military service  
6 while serving in the armed forces or during active federal  
7 military service in the Iowa national guard or other military  
8 component of the United States, to defray the expenses of  
9 tuition, matriculation, laboratory and similar fees, books and  
10 supplies, board, lodging, and any other reasonably necessary  
11 expense for the child or children incident to attendance in  
12 this state at an educational or training institution of college  
13 grade, or in a business or vocational training school with  
14 standards approved by the department.

15     *b.*   A child eligible to receive funds under this section  
16 shall not receive more than three thousand dollars under this  
17 subsection during the child's lifetime.

18     2.   *a.*   Upon application by a child who is less than  
19 thirty-one years of age, and who is the child of a person who  
20 died on or after September 11, 2001, during active federal  
21 military service while serving in the armed forces or during  
22 active federal military service in the Iowa national guard  
23 or other military component of the United States, and who  
24 at the time of entering into active military service had  
25 maintained the person's residence in the state for a period  
26 of at least six months immediately before entering into  
27 active military service, the department shall provide state  
28 educational assistance in an amount of no more than the highest  
29 resident undergraduate tuition rate established per year for  
30 an institution of higher learning under the control of the  
31 state board of regents less the amount of any state and federal  
32 education benefits, grants, or scholarships received by the  
33 child, or the amount of the child's established financial need,  
34 whichever is less, to defray the expenses of tuition at any  
35 postsecondary educational institution in this state.

LSB 5130SV (1) 84

-3-

aw/sc

3/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1     **b.** A child eligible to receive state educational assistance  
2 under this subsection shall begin postsecondary education prior  
3 to reaching age twenty-six, shall not receive more than an  
4 amount equal to five times the highest resident undergraduate  
5 tuition rate established per year for an institution of higher  
6 learning under the control of the state board of regents  
7 during the child's lifetime, and shall, to remain eligible  
8 for assistance, meet the academic progress standards of the  
9 postsecondary educational institution. Payments for state  
10 educational assistance for a child under this subsection  
11 shall be made to the applicable postsecondary educational  
12 institution. The college student aid commission may, if  
13 requested, assist the department in administering this  
14 subsection.

15     Sec. 9. NEW SECTION. 35A.21 Eligibility and payment of  
16 assistance.

17     Eligibility for assistance shall be determined upon  
18 application to the department of veterans affairs, whose  
19 decision is final. The eligibility of eligible applicants  
20 shall be certified by the department of veterans affairs to  
21 the director of the department of administrative services,  
22 and all amounts that are or become due an individual or a  
23 training institution under this chapter shall be paid to the  
24 individual or institution by the director of the department  
25 of administrative services upon receipt by the director  
26 of certification by the president or governing board of  
27 the educational or training institution as to accuracy of  
28 charges made, and as to the attendance of the individual at  
29 the educational or training institution. The department of  
30 veterans affairs may pay over the annual sum set forth in  
31 section 35A.20 to the educational or training institution in  
32 a lump sum, or in installments as the circumstances warrant,  
33 upon receiving from the institution such written undertaking as  
34 the department may require to assure the use of funds for the  
35 child for the authorized purposes and for no other purpose. A

LSB 5130SV (1) 84

-4-

aw/sc

4/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1 person is not eligible for the benefits of this chapter until  
2 the person has graduated from a high school or educational  
3 institution offering a course of training equivalent to high  
4 school training.

5 Sec. 10. NEW SECTION. **35A.22 Expenses chargeable to fund.**

6 Any expense incurred in carrying out the provisions of  
7 sections 35A.19 through 35A.21 shall be chargeable to the war  
8 orphans educational assistance fund.

9 Sec. 11. Section 35D.14, Code 2011, is amended to read as  
10 follows:

11 **35D.14 Personnel — expenses — compensation.**

12 1. The commandant or the commandant's designee shall employ  
13 such personnel as are necessary for the performance of the  
14 duties and responsibilities assigned to the commandant. All  
15 employees shall be selected on a basis of fitness for the work  
16 to be performed with due regard to training and experience and  
17 shall be subject to the provisions of chapter 8A, subchapter  
18 IV.

19 2. The commandant and employees of the Iowa veterans home  
20 are entitled to receive, in addition to salary, reimbursement  
21 for actual expenses incurred while engaged in the performance  
22 of official duties pursuant to section ~~35A.9~~ 35A.2, subsection  
23 3.

24 Sec. 12. Section 422.7, subsection 51, Code Supplement  
25 2011, is amended by striking the subsection.

26 Sec. 13. REPEAL. Sections 35.8, 35.9, 35.10, 35.11, and  
27 35.12, Code 2011, are repealed.

28 Sec. 14. REPEAL. Section 35A.9, Code 2011, is repealed.

29 EXPLANATION

30 This bill relates to the department of veterans affairs and  
31 the commission of veterans affairs.

32 The bill repeals Code section 35A.9, relating to expenses  
33 and compensation, but the substance of the Code section  
34 is transferred to Code section 35A.2, subsection 3, and  
35 is amended to require that only out-of-state travel by

LSB 5130SV (1) 84

-5-

aw/sc

5/7





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1 commissioners be approved by the chairperson of the commission  
2 of veterans affairs. Current law requires that the chairperson  
3 approve out-of-state travel by the executive director of  
4 the department, the state commandant, and employees of the  
5 department of veterans affairs or the Iowa veterans home.

6 The bill repeals Code section 35.12, related to the veterans  
7 counseling program, but the substance of the Code section is  
8 transferred to Code section 35A.5, subsection 5.

9 In regard to the duties of the department, the bill  
10 strikes language requiring that the department collect and  
11 maintain information concerning veterans affairs. The bill  
12 also requires that the department conduct one service school  
13 each year specifically for commissioners of the county  
14 commissions of veteran affairs and one service school each year  
15 specifically for executive directors and administrators of the  
16 county commissions of veteran affairs. The bill requires that  
17 the service school for executive directors and administrators  
18 provide at least 16 hours of continuing education. Current  
19 law requires that the department conduct two service schools  
20 for these groups annually, but does not specify that they be  
21 completed separately for the different groups. The bill also  
22 allows certain moneys in the county commissions of veteran  
23 affairs fund to be used by the department for the training of  
24 department personnel.

25 The bill strikes language requiring the executive director  
26 of the department to provide for the administration of bonus  
27 funds for certain merchant marines veterans who served between  
28 1941 and 1946 and for certain Vietnam war veterans. The  
29 bill also strikes language which created these funds and  
30 language which required the department to adopt rules for their  
31 administration. The bill also strikes Code section 422.7,  
32 subsection 51, which exempted moneys received from the Vietnam  
33 Conflict veterans bonus from individual income taxation by the  
34 state.

35 The bill repeals Code section 35.8, related to the war

LSB 5130SV (1) 84

-6-

aw/sc

6/7



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2038

1 orphans educational assistance fund, but the substance of the  
2 Code section is transferred to new Code section 35A.19.

3 The bill repeals Code section 35.9, related to expenditures  
4 by the department of veterans affairs for certain educational  
5 assistance, but the substance of the Code section is  
6 transferred to new Code section 35A.20.

7 The bill repeals Code section 35.10, related to eligibility  
8 requirements and the payment of educational assistance, but  
9 the substance of the Code section is transferred to new Code  
10 section 35A.21.

11 The bill repeals Code section 35.11, related to expenses  
12 chargeable to the fund, but the substance of the Code section  
13 is transferred to new Code section 35A.22.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2039 - Introduced**

SENATE FILE 2039  
BY SCHOENJAHN

**A BILL FOR**

1 An Act relating to identifying the location of underground  
2 facilities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5537XS (4) 84  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2039

1     Section 1. NEW SECTION. 480.4A Identification — mapping.  
2     The utilities board shall, pursuant to chapter 17A, adopt  
3 rules establishing standards and requirements regarding  
4 permanently identifying and marking the location of underground  
5 facilities installed on or after January 1, 2013. The rules  
6 shall, at a minimum, provide for the following:  
7     1. Development and maintenance by an operator of a map,  
8 diagram, drawing, or geospatial information regarding the  
9 location of an underground facility, which shall be furnished  
10 to the notification center, posted on an internet site  
11 maintained by the operator, and in the case of an underground  
12 facility located in a public right-of-way, furnished to the  
13 city or county in which the underground facility is located.  
14     2. Placement of a location wire or equally effective  
15 means of marking the location of a nonconductive underground  
16 facility, and placement of a sign indicating the point at  
17 which a service lateral deviates or branches away from the  
18 underground facility route or location. The requirements of  
19 this subsection shall not apply to the making of repairs to or  
20 a partial replacement of existing underground facilities for  
21 the purposes of routine maintenance and upkeep.  
22     3. For purposes of this section, "nonconductive" means  
23 constructed of a material other than metal. For purposes of  
24 this section, "service lateral" means a secondary underground  
25 facility connecting to an end-use customer.

26                                   EXPLANATION

27     This bill relates to the identification of underground  
28 facilities.  
29     The bill directs the Iowa utilities board to adopt rules  
30 establishing standards and requirements regarding permanently  
31 identifying and marking the location of underground facilities  
32 installed on or after January 1, 2013. The bill states that  
33 the rules shall, at a minimum, provide for the development and  
34 maintenance by an operator (generally a public, private, or  
35 municipal utility) of a map, diagram, drawing, or geospatial

LSB 5537XS (4) 84  
rn/nh

-1-

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2039

1 information regarding the location of an underground facility,  
2 to be provided to the statewide notification center established  
3 in Code section 480.3, posted on an internet site maintained by  
4 the operator, and to a city or county if a public right-of-way  
5 is involved.

6 The bill additionally requires the placement of a location  
7 wire or equally effective means of marking the location of a  
8 nonconductive underground facility, and placement of a sign  
9 indicating the point at which a service lateral deviates or  
10 branches away from the underground facility route or location.  
11 The bill provides that this provision does not apply to repairs  
12 to or a partial replacement of existing underground facilities  
13 for the purposes of routine maintenance and upkeep.

14 The bill defines "nonconductive" to mean constructed of  
15 a material other than metal, and "service lateral" to mean  
16 a secondary underground facility connecting to an end-use  
17 customer.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2040 - Introduced**

SENATE FILE 2040  
BY COURTNEY

**A BILL FOR**

1 An Act to increase the state minimum hourly wage.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5682XS (2) 84  
je/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2040

1 Section 1. Section 91D.1, subsection 1, paragraphs a, b, and  
2 d, Code 2011, are amended to read as follows:

3 a. The state hourly wage shall be at least ~~\$6.20 as of April~~  
4 ~~1, 2007, and~~ \$7.25 as of January 1, 2008, \$8.75 as of July 1,  
5 2012, and \$10.00 as of January 1, 2013.

6 b. Every employer, as defined in the federal Fair Labor  
7 Standards Act of 1938, as amended to January 1, ~~2007~~ 2012,  
8 shall pay to each of the employer's employees, as defined in  
9 the federal Fair Labor Standards Act of 1938, as amended to  
10 January 1, ~~2007~~ 2012, the state hourly wage stated in paragraph  
11 "a", or the current federal minimum wage, pursuant to 29 U.S.C.  
12 § 206, as amended, whichever is greater.

13 d. An employer is not required to pay an employee the  
14 applicable state hourly wage provided in paragraph "a" until  
15 the employee has completed ninety calendar days of employment  
16 with the employer. An employee who has completed ninety  
17 calendar days of employment with the employer prior to ~~April~~  
18 ~~1, 2007~~ July 1, 2012, or January 1, ~~2008~~ 2013, shall earn the  
19 applicable state hourly minimum wage as of that date. An  
20 employer shall pay an employee who has not completed ninety  
21 calendar days of employment with the employer an hourly wage of  
22 at least ~~\$5.30~~ \$7.85 as of ~~April 1, 2007~~ July 1, 2012, and ~~\$6.35~~  
23 \$9.10 as of January 1, ~~2008~~ 2013.

24 Sec. 2. Section 91D.1, subsection 2, paragraph a, Code 2011,  
25 is amended to read as follows:

26 a. The exemptions from the minimum wage requirements stated  
27 in 29 U.S.C. § 213, as amended to January 1, ~~2007~~ 2012, shall  
28 apply, except as otherwise provided in this subsection.

29 EXPLANATION

30 This bill increases the state minimum wage from \$7.25 to  
31 \$8.75 as of July 1, 2012, and to \$10.00 as of January 1, 2013.

32 Code section 91D.1(1)(d) provides that an employer is not  
33 required to pay an employee the applicable state hourly wage  
34 until the employee has completed 90 calendar days of employment  
35 with the employer. The bill provides that an employee who has

LSB 5682XS (2) 84

-1-

je/rj

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2040

1 completed 90 calendar days of employment with the employer  
2 prior to July 1, 2012, or January 1, 2013, shall earn the  
3 applicable state hourly minimum wage as of that date. The bill  
4 provides that an employer shall pay an employee who has not  
5 completed 90 calendar days of employment with the employer an  
6 hourly wage of at least \$7.85 as of July 1, 2012, and \$9.10 as  
7 of January 1, 2013.





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate File 2041 - Introduced**

SENATE FILE 2041

BY HATCH, BOLKCOM, DEARDEN,  
HORN, FRAISE, COURTNEY,  
KIBBIE, McCOY, QUIRMBACH,  
BEALL, MATHIS, DANIELSON,  
DVORSKY, DOTZLER,  
RIELLY, JOCHUM, HANCOCK,  
SCHOENJAHN, SENG, BOWMAN,  
HOGG, BLACK, and SODDERS

**A BILL FOR**

1 An Act establishing a self-employment assistance program  
2 for recipients of unemployment compensation benefits and  
3 providing a termination date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5227XS (4) 84  
je/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2041

1 Section 1. NEW SECTION. 96.45 Self-employment assistance  
2 program.

3 1. *Definitions.* As used in this section, unless the context  
4 otherwise requires:

5 a. *"Self-employment assistance activities"* means activities  
6 approved by the director in which an individual participates  
7 for the purpose of establishing a business and becoming  
8 self-employed. Self-employment assistance activities include  
9 but are not limited to entrepreneurial training, business  
10 counseling, and technical assistance.

11 b. *"Self-employment assistance allowance"* means an amount  
12 payable in lieu of regular benefits under this chapter to  
13 an individual participating in self-employment assistance  
14 activities in accordance with this section. Self-employment  
15 assistance allowance amounts shall be paid from the  
16 unemployment compensation fund.

17 2. *Self-employment assistance allowance — amount.* The  
18 weekly amount of the self-employment assistance allowance  
19 payable to an individual is equal to the weekly regular benefit  
20 amount. The sum of the self-employment assistance allowance  
21 paid under this section and the regular benefits paid under  
22 this chapter with respect to any benefit year shall not  
23 exceed the maximum benefit amount payable under section 96.3,  
24 subsection 5, with respect to that benefit year.

25 3. *Eligibility requirements.* The following eligibility  
26 requirements apply to the payment of a self-employment  
27 assistance allowance under this section.

28 a. An individual may receive a self-employment assistance  
29 allowance if the following requirements are met:

30 (1) The individual is eligible to receive regular benefits  
31 or would be eligible to receive regular benefits except for the  
32 requirements described in paragraph "b", subparagraphs (1) and  
33 (2).

34 (2) The individual is identified by a worker profiling  
35 system as an individual likely to exhaust regular benefits.

LSB 5227XS (4) 84

-1-

je/rj

1/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2041

1 (3) The individual has submitted an application form and an  
2 initial business plan as prescribed by the director.

3 (4) The individual's initial business plan has been  
4 reviewed for feasibility and financial viability by the  
5 department in consultation with a small business development  
6 center associated with Iowa state university of science  
7 and technology. An individual shall not be approved for a  
8 self-employment assistance allowance unless the department  
9 finds the individual's initial business plan feasible and  
10 financially viable. Upon request, the department shall advise  
11 an individual as to resources available in the state to aid  
12 in the development of a feasible, financially viable, initial  
13 business plan.

14 (5) The individual has obtained any occupational  
15 certification or license necessary to carry out the  
16 individual's initial business plan prior to the submission of  
17 an application form and an initial business plan.

18 (6) The individual has filed a weekly claim for the  
19 self-employment assistance allowance and provides a log of  
20 self-employment activities and any other information the  
21 director prescribes.

22 *b.* The self-employment assistance allowance shall be payable  
23 to an individual at the same intervals and on the same terms  
24 and conditions as regular benefits under this chapter except  
25 for the following:

26 (1) The provisions of this chapter regarding being  
27 available for work, actively seeking work, and refusing to  
28 accept suitable work are not applicable to such an individual.

29 (2) The requirements of this chapter relating to  
30 disqualifying income are not applicable to income earned from  
31 self-employment by such an individual.

32 *c.* An individual who meets the requirements of this section  
33 shall be considered to be totally unemployed under section  
34 96.19, subsection 38, paragraph "a".

35 *d.* An individual who fails to actively engage on a full-time

LSB 5227XS (4) 84

-2-

je/rj

2/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2041

1 basis in self-employment assistance activities is ineligible to  
2 receive the self-employment assistance allowance for each week  
3 in which such failure occurs.

4 4. *Limitation on number of individuals receiving a*  
5 *self-employment assistance allowance.* The number of individuals  
6 receiving the self-employment assistance allowance at any time  
7 shall not exceed five percent of the number of individuals  
8 receiving regular benefits.

9 5. *Financing the costs of the self-employment assistance*  
10 *allowance.* The self-employment assistance allowance shall be  
11 charged to employers in the manner provided in this chapter for  
12 the charging of regular benefits.

13 6. *Implementation.* The director shall administer this  
14 section in consultation with the small business development  
15 centers associated with Iowa state university of science and  
16 technology. In adopting rules to administer this section, the  
17 director, insofar as is practicable, shall comply with the  
18 rules and policies of the United States department of labor.

19 7. *Termination date.* The authority to pay self-employment  
20 assistance allowances under this section terminates at the  
21 end of the week preceding the date when federal law no longer  
22 authorizes such payment, unless that date is on a Saturday in  
23 which case the authority terminates on that date.

24 EXPLANATION

25 This bill establishes a self-employment assistance  
26 program which provides unemployment compensation benefits to  
27 individuals seeking to be self-employed. These benefits are  
28 paid instead of regular unemployment compensation benefits.  
29 Authority to establish the program is provided by federal law  
30 at 26 U.S.C. § 3306(t).

31 The bill defines self-employment assistance activities  
32 and self-employment assistance allowance. Self-employment  
33 assistance activities are intended to enable an individual  
34 to establish a business and become self-employed and  
35 include entrepreneurial training, business counseling,

LSB 5227XS (4) 84

-3-

je/rj

3/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2041

1 technical assistance, and any other activities approved by  
2 the labor commissioner. The bill provides that the weekly  
3 self-employment assistance allowance payable to an individual  
4 is equal to the weekly benefit amount for regular unemployment  
5 benefits and the maximum yearly allowance is the same as  
6 the maximum yearly, regular unemployment benefits currently  
7 allowable. Charges to employers are made in the same manner as  
8 charges to employers for regular unemployment benefits.

9 The bill establishes eligibility requirements for an  
10 individual's acceptance into the self-employment assistance  
11 program. An individual must be identified by a worker  
12 profiling system as an individual likely to exhaust regular  
13 unemployment compensation benefits. An individual must  
14 submit an application form and an initial business plan.  
15 The department of workforce development, in consultation  
16 with a small business development center associated with  
17 Iowa state university of science and technology, must review  
18 the individual's initial business plan for feasibility and  
19 financial viability. An individual's initial business plan  
20 must be found feasible and financially viable in order for the  
21 individual to be accepted into the program. Upon request,  
22 the department is to advise an individual as to resources  
23 available in the state to aid in the development of a feasible,  
24 financially viable, initial business plan. An individual  
25 must have obtained any occupational certification or license  
26 necessary to carry out the individual's initial business  
27 plan prior to applying for the program. An individual must  
28 also file a weekly claim for the self-employment assistance  
29 allowance and provide a log of self-employment activities as  
30 well as any other information required by the director of the  
31 department of workforce development.

32 The bill provides that the requirements to receive regular  
33 unemployment benefits relating to availability for work, active  
34 search for work, refusal to accept work, and self-employment  
35 income do not apply to an individual otherwise eligible to

LSB 5227XS (4) 84

-4-

je/rj

4/5



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. 2041

1 receive a self-employment assistance allowance. The bill  
2 provides that an individual who fails to actively engage in  
3 self-employment assistance activities full-time is ineligible  
4 to receive the self-employment assistance allowance for each  
5 week such a failure occurs.

6 The bill provides that the maximum number of individuals  
7 eligible for the program at any one time is equal to 5 percent  
8 of the individuals receiving regular unemployment benefits.

9 The bill directs the director of the department of workforce  
10 development to administer the bill in consultation with a  
11 small business development center associated with Iowa state  
12 university. The bill also directs the director to comply with  
13 the rules and policies of the United States department of  
14 labor, where practicable, when adopting rules to implement the  
15 bill.

16 The bill is void if federal authorization for the program  
17 ends.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3058 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

1 An Act relating to the identification of owners of blinds and  
2 stands for hunting deer and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5602XC (3) 84  
av/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 481A.41 Blinds and stands for  
2 hunting deer.

3 A person shall not use a blind or stand for hunting deer  
4 unless the blind or stand is affixed with and exhibits a  
5 weather-resistant tag or other form of identification which  
6 plainly shows the name and address of the owner of the blind or  
7 stand. For purposes of this section, "blind or stand" means an  
8 enclosure used for concealment while hunting deer, constructed  
9 either wholly or partially from man-made materials, and used  
10 by a person who is hunting deer for the purpose of hiding  
11 from sight. A "blind or stand" is not a naturally occurring  
12 landscape feature or an arrangement of natural or agricultural  
13 plant material that a deer hunter uses for concealment. The  
14 natural resource commission shall adopt rules pursuant to  
15 chapter 17A to implement this section.

16 Sec. 2. Section 805.8B, subsection 3, paragraph b, Code  
17 2011, is amended to read as follows:

18 b. For violations of sections 481A.41, 481A.54, 481A.69,  
19 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27,  
20 the scheduled fine is twenty dollars.

21 EXPLANATION

22 This bill requires that a blind or stand used for hunting  
23 deer must be affixed with and exhibit a weather-resistant tag  
24 or other form of identification which plainly shows the name  
25 and address of the owner of the blind or stand. For purposes  
26 of the bill, a "blind or stand" is an enclosure used for  
27 concealment while hunting deer, constructed either wholly or  
28 partially from man-made materials, and used by a person who is  
29 hunting deer for the purpose of hiding from sight. A "blind  
30 or stand" does not include a naturally occurring landscape  
31 feature or an arrangement of natural or agricultural plant  
32 material that a deer hunter uses for concealment. The natural  
33 resource commission is required to adopt rules to implement the  
34 provisions of the bill. A violation of the provisions of the  
35 bill is punishable by a scheduled fine of \$20.

LSB 5602XC (3) 84  
av/nh

-1-

1/1





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

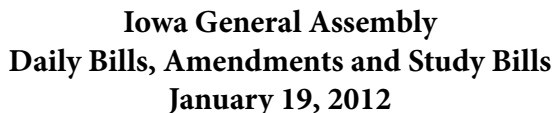
**Senate Study Bill 3059 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

- 1 An Act requiring whitetail to be tagged as farm deer.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5444SC (4) 84  
av/nh





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 for all whitetail kept by that person as farm deer and to  
2 make those records available to appropriate representatives  
3 of the department of agriculture and land stewardship or the  
4 department of natural resources.

5 A landowner shall not release whitetail kept as farm  
6 deer onto land unless the landowner provides a statement to  
7 the department of agriculture and land stewardship and the  
8 department of natural resources verifying that there is a  
9 record of the ear tag numbers of the whitetail being released.

10 The department of agriculture and land stewardship may  
11 suspend or revoke a fence certification allowing a landowner to  
12 keep whitetail as farm deer if the landowner fails to properly  
13 tag the whitetail, fails to keep proper records of the ear  
14 tag numbers, or fails to make such records available to an  
15 appropriate person as required by the bill.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3060 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON DEARDEN)

**A BILL FOR**

1 An Act requiring the department of natural resources to  
2 produce, and submit to the general assembly, a product  
3 stewardship report.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 Section 1. NEW SECTION. 455B.861 Product stewardship —  
2 report.

3 1. By January 15 of each year, the department may submit  
4 to the general assembly a report on products and product  
5 categories that when generated as waste may be appropriately  
6 managed under a product stewardship program. The report should  
7 include proposed changes to the Code necessary to implement the  
8 recommendations in the report. The report shall not consider  
9 or include motor vehicles or watercraft. The department may  
10 identify a product or product category as a candidate for a  
11 product stewardship program if the department determines one or  
12 more of the following criteria are met:

13 a. The product or product category is found to contain  
14 toxics that pose the risk of an adverse impact to the  
15 environment or public health and safety.

16 b. A product stewardship program for the product would  
17 increase the recovery of materials for reuse and recycling.

18 c. A product stewardship program for the product would  
19 reduce the costs of waste management to local governments.

20 d. Other states or countries have successfully collected and  
21 processed similar products under product stewardship programs.

22 e. Existing voluntary product stewardship programs for the  
23 product in the state are not effective in achieving solid waste  
24 reduction.

25 2. At least thirty days prior to submitting the report to  
26 the general assembly, the department shall conduct a public  
27 hearing regarding the proposed report. The department shall  
28 make the proposed report publicly available through the  
29 internet at least one week prior to the date of the public  
30 hearing. The department shall accept both written and oral  
31 testimony regarding the proposed report and shall include  
32 all testimony as part of the report submitted to the general  
33 assembly.

34 3. For purposes of this section, unless the context  
35 otherwise requires:

LSB 5685XC (1) 84

-1-

tm/nh

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

- 1     *a. "Brand"* means a name, symbol, word, or mark that  
2 identifies a product, rather than its components, and  
3 attributes the product to the owner of the brand.
- 4     *b. "Producer"* means a person that does any of the following:  
5       (1) Has legal ownership of the brand of a product sold in  
6 the state.  
7       (2) Imports a product branded by a person that meets the  
8 requirements of subparagraph (1) and has no physical presence  
9 in the United States.  
10      (3) Sells a product in the state at wholesale or retail,  
11 does not have legal ownership of the brand of the product and  
12 elects to fulfill the responsibilities of the producer for that  
13 product.
- 14     *c. "Product"* means an item intended for sale within the  
15 state.
- 16     *d. "Product category"* means a group of similar products.
- 17     *e. "Product stewardship program"* means a program financed  
18 without a visible fee at purchase which is either managed or  
19 provided by producers and includes but is not limited to the  
20 collection, transportation, reuse, and recycling or disposal,  
21 or both, of unwanted products.
- 22     *f. "Unwanted product"* means a product that has been  
23 abandoned or discarded or is intended to be discarded by its  
24 owner.

25                                   EXPLANATION

26     This bill allows the department of natural resources to  
27 submit a product stewardship report to the general assembly by  
28 January 15 of each year. The report is required to identify  
29 products and product categories that when generated as waste  
30 may be appropriately managed under a product stewardship  
31 program. A product stewardship program is defined as a program  
32 financed without a visible fee at purchase which is either  
33 managed or provided by producers and includes but is not  
34 limited to the collection, transportation, reuse, and recycling  
35 or disposal, or both, of unwanted products.

LSB 5685XC (1) 84  
tm/nh

2/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3061 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act relating to the practices and procedures of the state  
2 public defender.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5275DP (9) 84  
jm/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 13B.4, subsections 2 and 3, Code 2011,  
2 are amended to read as follows:

3 2. The state public defender shall file a notice with the  
4 clerk of the district court in each county served by a public  
5 defender designating which public defender office shall receive  
6 notice of appointment of cases. ~~The state public defender may~~  
7 ~~also enter into a contract with a nonprofit organization or~~  
8 ~~an attorney, designating that the nonprofit organization or~~  
9 ~~attorney provide legal services to eligible indigent persons~~  
10 ~~as the state public defender's designee. The state public~~  
11 ~~defender may also designate a person admitted to practice law~~  
12 in this state or a nonprofit organization employing persons  
13 admitted to practice law in this state to be appointed by the  
14 court as a designee of the state public defender. In each  
15 county in which the state public defender files a designation,  
16 the state public defender's designee shall be appointed by the  
17 court to represent all eligible persons or to serve as guardian  
18 ad litem for eligible children in juvenile court in all cases  
19 and proceedings specified in the designation. The appointment  
20 shall not be made if the state public defender or the state  
21 public defender's designee notifies the court that the state  
22 public defender's designee will not provide services in certain  
23 cases as identified in the designation by the state public  
24 defender.

25 3. The state public defender may contract with persons  
26 admitted to practice law in this state and nonprofit  
27 organizations employing persons admitted to practice law in  
28 this state for the provision of legal services to indigent  
29 persons. The contract may incorporate administrative rules  
30 into the terms of the contract or expressly provide that  
31 payments may be paid that are other than on an hourly rate  
32 basis for legal services provided, including but not limited to  
33 a fixed rate per case or per month.

34 Sec. 2. Section 13B.9, subsection 1, paragraphs a and b,  
35 Code 2011, are amended to read as follows:

LSB 5275DP (9) 84

-1-

jm/rj

1/12





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1     a. Represent ~~without fee~~ an indigent person who is under  
2 arrest or charged with a crime if the indigent person requests  
3 representation or the court orders representation when the type  
4 of case, the county, and the court have been designated for  
5 such representation by the state public defender. The local  
6 public defender shall counsel and defend an indigent defendant  
7 at every stage of the criminal proceedings and prosecute  
8 before or after conviction any appeals or other remedies which  
9 the local public defender considers to be in the interest of  
10 justice unless other counsel is appointed to the case.

11    b. Represent an indigent party, ~~without fee and upon an~~  
12 order of the court, in child in need of assistance, family in  
13 need of assistance, delinquency, and termination of parental  
14 rights proceedings pursuant to chapter 232 ~~in a county served~~  
15 ~~by a public defender~~ when designated by the state public  
16 defender to represent the indigent party in the type of case  
17 for that county. The local public defender shall counsel and  
18 represent an indigent party in all proceedings pursuant to  
19 chapter 232 ~~in a county served by a public defender to which~~  
20 the local public defender is appointed and prosecute before or  
21 after judgment any appeals or other remedies which the local  
22 public defender considers to be in the interest of justice  
23 unless other counsel is appointed to the case.

24    Sec. 3. Section 13B.9, subsection 4, paragraph a, Code 2011,  
25 is amended to read as follows:

26    a. If a conflict of interest arises or if the local public  
27 defender is unable to handle a case because of a temporary  
28 overload of cases, the local public defender shall return the  
29 case to the court. If the case is returned and the state  
30 public defender has filed a successor designation, the court  
31 shall appoint the successor designee. If there is no successor  
32 designee on file, the court shall make the appointment pursuant  
33 to section 815.10. As used in this subsection, *"successor*  
34 *designee"* may include another local public defender office, or a  
35 nonprofit organization or a person admitted to practice law in

LSB 5275DP (9) 84

-2-

jm/rj

2/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 this state that has contracted with the state public defender  
2 under section 13B.4, subsection 3.

3 Sec. 4. Section 602.8107, subsection 1, Code 2011, is  
4 amended to read as follows:

5 1. As used in this section, "*court debt*" means all fines,  
6 penalties, court costs, fees, forfeited bail, surcharges  
7 under chapter 911, victim restitution, ~~restitution for~~  
8 court-appointed attorney fees or for expenses of a public  
9 defender ordered pursuant to section 815.9, or fees charged  
10 pursuant to section 356.7 or 904.108.

11 Sec. 5. Section 814.11, subsection 2, Code 2011, is amended  
12 to read as follows:

13 2. a. If the appeal involves an indictable offense or  
14 denial of postconviction relief, the appointment shall be made  
15 to the state appellate defender unless the state appellate  
16 defender notifies the court that the state appellate defender  
17 is unable to handle the case.

18 b. If the state appellate defender is unable to handle  
19 the case, the state public defender may transfer the case to  
20 a local public defender office, nonprofit organization, or  
21 private attorney designated by the state public defender to  
22 handle these cases. The state appellate defender shall notify  
23 the supreme court of the transfer of a case, and upon such  
24 notification the responsibility of the state appellate defender  
25 in the case terminates.

26 c. If, after transfer of the case to a local public defender  
27 office, nonprofit organization, or private attorney, the local  
28 public defender, nonprofit organization, or private attorney  
29 withdraws from the case, the court shall appoint an attorney  
30 who has a contract with the state public defender to provide  
31 legal services in appellate cases.

32 Sec. 6. Section 814.11, subsections 3 and 4, Code 2011, are  
33 amended to read as follows:

34 3. In a juvenile case ~~in which a petition on appeal is~~  
35 ~~required~~ under chapter 232 or a proceeding under chapter 600A,

LSB 5275DP (9) 84

-3-

jm/rj

3/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 the trial attorney shall continue representation throughout the  
2 appeal without an additional appointment order unless the court  
3 grants the attorney permission to withdraw from the case. If  
4 the court grants the attorney permission to withdraw, the court  
5 shall appoint an attorney who has a contract with the state  
6 public defender to provide legal services in appellate cases.

7 ~~4. If the state appellate defender is unable to handle the~~  
8 ~~case or withdraws from the case, or if the appeal is other~~  
9 ~~than an indictable offense or denial of postconviction relief~~  
10 ~~including a juvenile case in which a petition on appeal is not~~  
11 ~~required or a juvenile case in which the trial attorney has~~  
12 ~~withdrawn from the case, In all other cases not specified in~~  
13 subsection 2 or 3, or except as otherwise provided in this  
14 section, the court shall appoint an attorney to represent  
15 an indigent person who has a contract with the state public  
16 defender to handle such an appeal provide legal services in  
17 appellate cases.

18 Sec. 7. Section 815.4, Code 2011, is amended by striking the  
19 section and inserting in lieu thereof the following:

20 **815.4 Special witnesses for indigents.**

21 1. An application for an expert or other witnesses under  
22 Iowa rule of criminal procedure 2.20 shall include a statement  
23 attesting that the attorney advised the indigent person of  
24 the application, the expected expenses, and the potential for  
25 reimbursement of the expenses pursuant to section 815.9.

26 2. a. The court shall authorize the securing of a witness  
27 prior to the witness incurring any expenses.

28 b. The court shall either set in advance a maximum dollar  
29 amount of the claim for expenses or approve the final amount of  
30 the claim for expenses as reasonable compensation.

31 c. The state public defender shall only approve the claim  
32 for the expenses of the witness if the securing of the witness  
33 was authorized by the court and either the maximum dollar  
34 amount of the claim for expenses was set prior to the expenses  
35 being incurred or the court has approved the final amount of

LSB 5275DP (9) 84

-4-

jm/rj

4/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 the claim for expenses as reasonable compensation.

2 3. A witness secured for an indigent person under Iowa rule  
3 of criminal procedure 2.20 shall file a claim for compensation  
4 with the state public defender as required by the rules of the  
5 state public defender, and the claim shall be supported by an  
6 itemization specifying the time expended, services rendered,  
7 and expenses incurred on behalf of the indigent person.

8 Sec. 8. Section 815.7, subsection 5, Code 2011, is amended  
9 to read as follows:

10 5. The expenses shall include any sums as are necessary  
11 for investigations in the interest of justice, and the cost of  
12 obtaining the transcript of the trial record and briefs if an  
13 appeal is filed. The attorney need not follow the case into  
14 another county or into the appellate court unless so directed  
15 by the court. If the attorney follows the case into another  
16 county or into the appellate court, the attorney shall be  
17 entitled to compensation as provided in this section. Only one  
18 attorney fee shall be so awarded in any one case except that in  
19 class "A" felony cases, two may be authorized if both attorneys  
20 are appointed pursuant to section 815.10.

21 Sec. 9. Section 815.9, subsection 3, Code 2011, is amended  
22 to read as follows:

23 3. If a person is granted an appointed attorney, the  
24 person shall be required to reimburse the state for the total  
25 cost of legal assistance provided to the person pursuant to  
26 this section. "Legal assistance" as used in this section  
27 shall include not only the expense of the public defender or  
28 an appointed attorney, but also transcripts, witness fees,  
29 expenses, and any other goods or services required by law to  
30 be provided to an indigent person entitled to an appointed  
31 attorney.

32 Sec. 10. Section 815.9, subsections 4, 5, 6, 7, and 9, Code  
33 2011, are amended by striking the subsections and inserting in  
34 lieu thereof the following:

35 4. a. If the appointed attorney is a public defender, the

LSB 5275DP (9) 84

-5-

jm/rj

5/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 attorney shall submit a report to the court specifying the  
2 total hours of service plus expenses incurred in providing  
3 legal assistance to the person. In a criminal case, the report  
4 shall be submitted within ten days of the date of sentencing,  
5 acquittal, or dismissal. In a case other than a criminal case,  
6 the report shall be submitted within ten days of any court  
7 ruling or the conclusion of a trial held in the case, or if the  
8 case is dismissed within ten days of the dismissal.

9     **b.** If the appointed attorney is a private attorney or is  
10 employed by a nonprofit organization, the state public defender  
11 shall report to the clerk of the district court the amounts  
12 of any approved claims for compensation and expenses paid on  
13 behalf of a person receiving legal assistance after such claims  
14 have been reviewed and paid by the state public defender.

15     **5.** If the person receiving legal assistance is convicted in  
16 a criminal case, the total costs and fees incurred for legal  
17 assistance shall be ordered paid when the reports submitted  
18 pursuant to subsection 4 are received by the court, and the  
19 court shall order the payment of such amounts as restitution  
20 or order the performance of community service in lieu of such  
21 payments, in accordance with chapter 910.

22     **6.** If the person receiving legal assistance is acquitted in  
23 a criminal case or is a party in a case other than a criminal  
24 case, the court shall order the payment of all or a portion of  
25 the total costs and fees incurred for legal assistance, to the  
26 extent the person is reasonably able to pay, after an inquiry  
27 which includes notice and reasonable opportunity to be heard.

28     **7.** When ordering payment of all or a portion of the total  
29 costs and fees incurred for legal assistance under subsection  
30 6, the court may order payment of the costs and fees in  
31 reasonable installments as provided in section 909.3, or may  
32 order the entire amount due and payable. If any costs and fees  
33 are not paid at the time specified in the order of the court,  
34 a judgment shall be entered against the person for any unpaid  
35 amount. Such judgment may be enforced by the state in the same

LSB 5275DP (9) 84

-6-

jm/rj

6/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 manner as a civil judgment.

2 9. Notwithstanding subsections 3 and 6, a minor granted a  
3 court-appointed attorney or guardian ad litem under section  
4 232.11 in a juvenile proceeding shall not be ordered to  
5 reimburse costs and fees incurred for legal assistance except  
6 as otherwise provided in chapter 232.

7 Sec. 11. Section 815.10, subsections 1 and 2, Code 2011, are  
8 amended to read as follows:

9 1. a. The court, for cause and upon its own motion or  
10 upon application by an indigent person or a public defender,  
11 shall appoint the state public defender's designee pursuant  
12 to section 13B.4 to represent an indigent person at any stage  
13 of the criminal, postconviction, contempt, commitment under  
14 chapter 229A, termination under chapter 600A, detention under  
15 section 811.1A, competency under chapter 812, parole revocation  
16 if applicable under section 908.2A, or juvenile proceedings or  
17 on appeal of any criminal, postconviction, contempt, commitment  
18 under chapter 229A, termination under chapter 600A, detention  
19 under section 811.1A, competency under chapter 812, parole  
20 revocation under chapter 908, or juvenile action in which the  
21 indigent person is entitled to legal assistance at public  
22 expense. However, in juvenile cases, the court may directly  
23 appoint an existing nonprofit corporation established for and  
24 engaged in the provision of legal services for juveniles. An  
25 appointment shall not be made unless the person is determined  
26 to be indigent under section 815.9. ~~Only one attorney shall~~  
27 ~~be appointed~~

28 b. An indigent person is entitled to the appointment of  
29 one attorney in all cases, except that in class "A" felony  
30 cases the court may appoint two attorneys. However, in a class  
31 "A" felony case, a person who is represented by a privately  
32 retained attorney or by an attorney who has agreed to represent  
33 the person is not entitled to have an attorney appointed to  
34 represent the person based upon the indigence of the person.

35 2. If the state public defender or the state public

LSB 5275DP (9) 84

-7-

jm/rj

7/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 defender's designee is unable to represent an indigent person,  
2 the court shall appoint an attorney who has a contract with the  
3 state public defender to represent the person in the particular  
4 type of case and in the county in which the case is pending.

5 Sec. 12. Section 815.10A, subsection 3, Code 2011, is  
6 amended to read as follows:

7 3. a. An attorney shall obtain court approval prior  
8 to exceeding the fee limitations established by the state  
9 public defender pursuant to section 13B.4. An attorney may  
10 exceed the fee limitations if good cause for exceeding the fee  
11 limitations is shown. An attorney may obtain court approval  
12 after exceeding the fee limitations if good cause excusing  
13 the attorney's failure to seek approval prior to exceeding  
14 the fee limitations is shown. However, failure to file an  
15 application to exceed a fee limitation prior to exceeding the  
16 fee limitation does not constitute good cause. The order  
17 approving an application to exceed the fee limitations shall  
18 be effective from the date of filing the application unless  
19 the court order provides an alternative effective date. The  
20 application and the court order approving the application to  
21 exceed fee limitations and any other order affecting the amount  
22 of compensation or reimbursement shall be submitted with any  
23 claim for compensation.

24 b. Except for an application to exceed fee limitations  
25 by an attorney or guardian ad litem representing a juvenile  
26 in a juvenile proceeding, an application by an attorney to  
27 exceed fee limitations shall include a statement signed by  
28 the client of the attorney, consenting to the application and  
29 acknowledging that the client will be required to reimburse  
30 the state for the total costs and fees incurred for the legal  
31 assistance provided to the extent the client is reasonably able  
32 to pay. This requirement cannot be waived by the court.

33 Sec. 13. Section 815.14, Code 2011, is amended to read as  
34 follows:

35 **815.14 Fee for public defender.**

LSB 5275DP (9) 84

-8-

jm/rj

8/12

**Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012**

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 ~~When determining the~~ The amount of restitution for the  
2 expense of the public defender for each case under section  
3 ~~910.3, the expense of the public defender or the total cost of~~  
4 legal assistance required to be reimbursed under section 815.9,  
5 subsection 3, shall be include all expenses incurred in the  
6 representation of the person combined with the attorney fees  
7 for the public defender calculated at the same hourly rate of  
8 compensation specified under section 815.7. ~~However, the~~ The  
9 expense of the public defender shall not may exceed the fee  
10 limitations established in section 13B.4.

| 11 | EXPLANATION |
|----|-------------|
|----|-------------|

12 This bill relates to the practices and procedures of the  
13 state public defender.

14 The bill specifies that the state public defender may  
15 designate a person admitted to practice law in this state or a  
16 nonprofit organization employing persons admitted to practice  
17 law in this state to be appointed by the court as a designee of  
18 the state public defender. Current law provides that the state  
19 public defender may enter into a contract with an attorney or a  
20 nonprofit organization to serve as the designee of the state  
21 public defender.

22 The bill allows a contract between the state public defender  
23 and an attorney or a nonprofit organization to incorporate  
24 administrative rules into the terms of the contract or  
25 expressly provide payment terms that include payments at a  
26 fixed rate per case or per month.

27 The bill strikes provisions stating that the public defender  
28 shall represent a person without charging a fee.

29 Under the bill, if the court orders the local public defender  
30 to represent an indigent person, the order shall be for the  
31 type of case, in a county, and in a court designated by the  
32 state public defender.

33 If it becomes necessary to appoint a successor designee to  
34 represent an indigent person because the local public defender  
35 is unable to handle the case, the bill allows the successor

LSB 5275DP (9) 84

$$j_m/r_j$$

9/12





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 designee to be a person admitted to practice law in this state  
2 who has a contract with the state public defender. Current  
3 law specifies the successor designee may include another local  
4 public defender office or a nonprofit organization.

5 The bill specifies that if the state appellate public  
6 defender is unable to handle an appeal, the state public  
7 defender may transfer the appellate case to a local public  
8 defender office, nonprofit organization, or private attorney  
9 designated by the state public defender to handle the appeal.  
10 If, after the transfer of an appellate case to a local public  
11 defender office, nonprofit organization, or private attorney,  
12 the entity withdraws from the appellate case, the court shall  
13 appoint an attorney who has a contract with the state public  
14 defender to provide legal services in appellate cases.

15 The bill provides that in a juvenile case or in a termination  
16 of parental rights proceeding under Code chapter 600A where the  
17 court grants the trial attorney permission to withdraw from the  
18 case during the appeal, the court shall appoint an attorney who  
19 has a contract with the state public defender to provide legal  
20 services in appellate cases. The bill further specifies that  
21 in all other cases involving an appeal by an indigent person,  
22 except as otherwise provided in Code section 814.11, the court  
23 shall appoint an attorney who has a contract with the state  
24 public defender to provide legal services in appellate cases.

25 The bill makes changes to securing a special witness for  
26 an indigent person. Under the bill, an application for a  
27 special witness shall include a statement attesting that the  
28 attorney advised the indigent person of the application, the  
29 expected expense, and that the indigent person may be required  
30 to reimburse the state for the expense of the special witness.

31 The bill provides that the court shall authorize the  
32 securing of a special witness and set the maximum amount of the  
33 expenses prior to the special witness incurring any expenses or  
34 approve the final amount of the claim of the special witness  
35 as reasonable compensation. The bill provides that the state

LSB 5275DP (9) 84

-10-

jm/rj

10/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 public defender shall only approve the claim for the expenses  
2 of the special witness if the securing of the special witness  
3 was authorized by the court and either the maximum dollar  
4 amount of the claim for expenses was set prior to the expenses  
5 being incurred or the court has approved the final amount of  
6 the claim for expenses as reasonable compensation.

7 The bill specifies that two separate attorney fees may  
8 be awarded in a class "A" felony case if both attorneys are  
9 appointed pursuant to Code section 815.10.

10 The bill specifies that an indigent person shall be  
11 required to reimburse the state for the total cost of the  
12 legal assistance provided, including the expense of the public  
13 defender.

14 Under the bill, if an appointed attorney is a public  
15 defender, the attorney shall submit a report specifying  
16 the total hours of legal services provided plus expenses  
17 incurred representing an indigent person, within 10 days of  
18 sentencing, acquittal, or dismissal. In cases where the  
19 attorney representing an indigent person is a private attorney  
20 or is employed by a nonprofit organization, the bill requires  
21 the state public defender to report to the clerk of the  
22 district court the amount of the approved claim paid to the  
23 private attorney or nonprofit organization on behalf of the  
24 indigent person. The bill specifies the court shall order the  
25 total costs and fees incurred for legal assistance provided  
26 to an indigent person be paid as restitution, or order the  
27 performance of community service in lieu of paying restitution.

28 The bill provides that if an indigent person receiving legal  
29 assistance is acquitted in a criminal case or is a party in  
30 a case other than a criminal case, the court shall order the  
31 indigent person to pay a portion or all of the total costs  
32 and fees incurred for the legal assistance, to the extent  
33 the indigent person is reasonably able to pay. The bill  
34 also provides that the total costs and fees may be paid in  
35 reasonable installments pursuant to Code section 909.3.

LSB 5275DP (9) 84

-11-

jm/rj

11/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 The bill states a minor granted a court-appointed attorney  
2 or guardian ad litem shall not be ordered to reimburse costs  
3 and fees incurred for legal assistance provided on behalf of  
4 the minor in a juvenile proceeding.

5 In a class "A" felony case, the bill specifies that a person  
6 who is represented by a privately retained attorney or by an  
7 attorney who has agreed to represent the person is not entitled  
8 to have an attorney appointed to represent the person based  
9 upon the indigence of the person.

10 Except for an application to exceed fee limitations by an  
11 attorney or guardian ad litem for representing a juvenile in  
12 a juvenile proceeding, the bill requires an application by  
13 an attorney to exceed fee limitations to include a statement  
14 signed by the client of the attorney, consenting to the  
15 application and acknowledging that the client will be required  
16 to reimburse the state for the total costs and fees incurred  
17 for the legal assistance provided to the extent the client is  
18 reasonably able to pay.

19 The amount of restitution an indigent person reimburses the  
20 state for the expense of the public defender under the bill  
21 shall include all expenses incurred during the representation  
22 of the person combined with the attorney fees calculated at the  
23 hourly rates in Code section 815.7. The bill also permits the  
24 expense of the public defender to exceed the fee limitations  
25 established in Code section 13B.4.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3062 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON MCCOY)

**A BILL FOR**

1 An Act relating to surety bond requirements for fire  
2 extinguishing system and alarm system contractors and fire  
3 protection system installers and maintenance workers.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5385XC (1) 84  
jr/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 Section 1. Section 100C.3, subsection 1, paragraph b, Code  
2 2011, is amended to read as follows:

3 b. Proof of insurance and surety bond coverage required by  
4 section 100C.4.

5 Sec. 2. Section 100C.4, Code 2011, is amended to read as  
6 follows:

7 **100C.4 Insurance and surety bond.**

8 1. A fire extinguishing system contractor shall maintain  
9 general and complete operations liability insurance and  
10 surety bond for the layout, installation, repair, alteration,  
11 addition, maintenance, and inspection of automatic fire  
12 extinguishing systems in an amount determined by the state fire  
13 marshal by rule.

14 2. An alarm system contractor shall maintain general  
15 and complete operations liability insurance and surety bond  
16 for the layout, installation, repair, alteration, addition,  
17 maintenance, and inspection of alarm systems in an amount  
18 determined by the state fire marshal by rule.

19 3. The insurance and surety bond shall be written by  
20 an entity licensed to do business in this state and each  
21 contractor shall maintain on file with the department of public  
22 safety a certificate evidencing the insurance providing that  
23 the insurance or surety bond shall not be canceled without the  
24 entity first giving fifteen days' written notice to the state  
25 fire marshal.

26 Sec. 3. Section 100D.4, Code 2011, is amended to read as  
27 follows:

28 **100D.4 Insurance ~~and surety bond~~ requirements.**

29 1. An applicant for a fire protection system installer and  
30 maintenance worker license or renewal of an active license  
31 shall provide evidence of a public liability insurance policy  
32 ~~and surety bond~~ in an amount determined sufficient by the fire  
33 marshal by rule.

34 2. If the applicant is engaged in fire protection system  
35 installer and maintenance worker work individually through a

LSB 5385XC (1) 84

-1-

jr/sc

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 business conducted as a sole proprietorship, the applicant  
2 shall personally obtain the insurance ~~and surety bond~~ required  
3 by this section. If the applicant is engaged in the fire  
4 protection system installer and maintenance worker business as  
5 an employee or owner of a legal entity, then the insurance ~~and~~  
6 ~~surety bond~~ required by this section shall be obtained by the  
7 entity and shall cover all fire protection system installer and  
8 maintenance worker work performed by the entity.

9 3. The insurance ~~and surety bond~~ shall be written by an  
10 entity licensed to do business in this state and each licensee  
11 shall maintain on file with the department a certificate  
12 evidencing the insurance providing that the insurance ~~or surety~~  
13 ~~bond~~ shall not be canceled without the entity first giving  
14 fifteen ~~days~~ days written notice to the fire marshal.

15 EXPLANATION

16 This bill requires surety bonds for fire extinguishing  
17 system and alarm system contractors. Those contractors are  
18 currently required to maintain operations liability insurance.

19 The bill also removes a current surety bond requirement for  
20 fire protection system installers and maintenance workers.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3063 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON MCCOY)

**A BILL FOR**

1 An Act relating to third-party payment of services provided by  
2 a doctor of chiropractic.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5475XC (2) 84  
av/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1     Section 1. NEW SECTION.   **514C.29 Services provided by a**  
2 **doctor of chiropractic.**

3     1. Notwithstanding the uniformity of treatment requirements  
4 of section 514C.6, a policy, contract, or plan providing  
5 for third-party payment or prepayment of health or medical  
6 expenses shall not impose a copayment or coinsurance amount on  
7 an insured for services provided by a doctor of chiropractic  
8 licensed pursuant to chapter 151 that is greater than the  
9 copayment or coinsurance amount imposed on the insured for  
10 services provided by a person engaged in the practice of  
11 medicine and surgery or osteopathic medicine and surgery under  
12 chapter 148 for the same or a similar diagnosed condition even  
13 if a different nomenclature is used to describe the condition  
14 for which the services are provided.

15     2. This section applies to the following classes of  
16 third-party payment provider policies, contracts, or plans  
17 delivered, issued for delivery, continued, or renewed in this  
18 state on or after July 1, 2012:

19     a. Individual or group accident and sickness insurance  
20 providing coverage on an expense-incurred basis.

21     b. An individual or group hospital or medical service  
22 contract issued pursuant to chapter 509, 514, or 514A.

23     c. An individual or group health maintenance organization  
24 contract regulated under chapter 514B.

25     d. A plan established pursuant to chapter 509A for public  
26 employees.

27     e. An organized delivery system licensed by the director of  
28 public health.

29     3. This section shall not apply to accident-only,  
30 specified disease, short-term hospital or medical, hospital  
31 confinement indemnity, credit, dental, vision, Medicare  
32 supplement, long-term care, basic hospital and medical-surgical  
33 expense coverage as defined by the commissioner, disability  
34 income insurance coverage, coverage issued as a supplement  
35 to liability insurance, workers' compensation or similar

LSB 5475XC (2) 84

-1-

av/nh

1/2





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 insurance, or automobile medical payment insurance.

2 EXPLANATION

3 This bill provides that a policy, contract, or plan  
4 providing for third-party payment or prepayment of health or  
5 medical expenses shall not impose a copayment or coinsurance  
6 amount on an insured for services provided by a doctor of  
7 chiropractic that is greater than the copayment or coinsurance  
8 amount imposed on the insured for services rendered by a person  
9 engaged in the practice of medicine and surgery or osteopathic  
10 medicine and surgery for the same or a similar diagnosed  
11 condition even if a different nomenclature is used to describe  
12 the condition for which the services are provided.

13 The bill applies to specified individual and group policies,  
14 contracts, and plans that are issued for delivery, continued,  
15 or renewed in this state on or after July 1, 2012.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3064 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON McCOY)

**A BILL FOR**

1 An Act subjecting the acts of an auctioneer in conducting a  
2 public sale or auction of real estate to real estate broker  
3 and salesperson licensing provisions, making penalties  
4 applicable, and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5648SC (3) 84  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1 Section 1. Section 543B.3, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 10. Conducts as an auctioneer an auction  
4 or public sale of real estate.

5 Sec. 2. Section 543B.5, Code 2011, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 3A. "*Auction*" or "*public sale*" means  
8 the process of buying, selling, offering for rent or option,  
9 leasing, or otherwise exchanging real estate pursuant to the  
10 soliciting and taking of bids followed by the transfer of the  
11 real estate or interest therein to the winning or qualifying  
12 bidder.

13 Sec. 3. Section 543B.7, subsection 5, Code 2011, is amended  
14 by striking the subsection.

15 Sec. 4. EFFECTIVE DATE. This Act takes effect July 1, 2013.

16 EXPLANATION

17 This bill subjects the actions of an auctioneer in  
18 conducting an auction or public sale of real estate to real  
19 estate broker and salesperson licensing provisions contained in  
20 Code chapter 543B.

21 The bill defines an "auction" or "public sale" as the process  
22 of buying, selling, offering for rent or option, leasing, or  
23 otherwise exchanging real estate pursuant to the soliciting  
24 and taking of bids followed by the transfer of the real estate  
25 or interest therein to the winning or qualifying bidder.

26 The bill includes conducting as an auctioneer an auction or  
27 public sale of real estate as an activity constituting the  
28 actions of a real estate broker and thereby subject to the Code  
29 chapter's licensing provisions. The bill deletes a provision  
30 which exempts the actions of an auctioneer under specified  
31 circumstances from being subject to the Code chapter.

32 The actions of an auctioneer will be subject to license  
33 suspension or revocation provisions, and civil and criminal  
34 penalty provisions contained in Code sections 543B.34, 543B.43,  
35 and 543B.48.

LSB 5648SC (3) 84

-1-

rn/nh

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_

1     The bill takes effect July 1, 2013.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3065 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

**A BILL FOR**

1 An Act providing for increases in monetary limits applicable to  
2 motor vehicle-related credit transactions pursuant to the  
3 consumer credit code.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5247DP (4) 84  
rn/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 537.1301, subsection 13, paragraph a,  
2 Code 2011, is amended to read as follows:

3 a. Except as provided in paragraph "b", a consumer credit  
4 sale is a sale of goods, services, or an interest in land in  
5 which all of the following are applicable:

6 (1) Credit is granted either pursuant to a seller credit  
7 card or by a seller who regularly engages as a seller in credit  
8 transactions of the same kind.

9 (2) The buyer is a person other than an organization.

10 (3) The goods, services, or interest in land are purchased  
11 primarily for a personal, family, or household purpose.

12 (4) Either the debt is payable in installments or a finance  
13 charge is made.

14 (5) With respect to a sale of goods or services, the amount  
15 financed does not exceed twenty-five thousand dollars.

16 (6) With respect to a sale of a motor vehicle, the amount  
17 financed does not exceed fifty thousand dollars.

18 Sec. 2. Section 537.1301, subsection 14, paragraph a,  
19 subparagraph (4), Code 2011, is amended to read as follows:

20 (4) The amount payable under the lease does not exceed  
21 twenty-five thousand dollars or, if the lease is a motor  
22 vehicle lease, the amount payable under the lease does not  
23 exceed fifty thousand dollars.

24 Sec. 3. Section 537.1301, subsection 15, paragraph a,  
25 subparagraph (5), Code 2011, is amended to read as follows:

26 (5) The amount financed does not exceed twenty-five  
27 thousand dollars or, if the loan is obtained to finance the  
28 purchase of a motor vehicle, the amount financed does not  
29 exceed fifty thousand dollars.

30 EXPLANATION

31 This bill increases the jurisdictional monetary limit  
32 applicable to motor vehicle-related credit transactions  
33 contained in the Iowa consumer credit code. Currently, in  
34 the definitions of consumer credit sale, consumer lease,  
35 and consumer loan, the applicable maximum monetary limit is

LSB 5247DP (4) 84  
rn/nh

-1-

1/2



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 \$25,000. The bill increases this limit to \$50,000 with respect  
2 to consumer credit sales, leases, and loans involving a motor  
3 vehicle.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3066 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/INSURANCE DIVISION  
BILL)

**A BILL FOR**

1 An Act relating to various matters under the purview of the  
2 insurance division of the department of commerce, providing  
3 penalties, and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5183XD (9) 84  
av/nh





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 135.22A, subsection 2, paragraph g, Code  
2 2011, is amended by striking the paragraph.

3 Sec. 2. Section 502.412, subsection 3, Code 2011, is amended  
4 to read as follows:

5 3. *Disciplinary penalties — registrants.* If the  
6 administrator finds that the order is in the public interest  
7 and subsection 4, paragraphs "a" through "f", "h", "i", "j",  
8 "l", or "m", authorizes the action, an order under this chapter  
9 may censure, impose a bar, or impose a civil penalty in an  
10 amount not to exceed a maximum of ~~five~~ ten thousand dollars  
11 for a single violation or ~~five hundred thousand~~ one million  
12 dollars for more than one violation, or in an amount as agreed  
13 to by the parties, on a registrant, and, if the registrant is  
14 a broker-dealer or investment adviser, a partner, officer,  
15 director, or person having a similar status or performing  
16 similar functions, or a person directly or indirectly in  
17 control, of the broker-dealer or investment adviser.

18 Sec. 3. Section 502.604, subsection 4, Code Supplement  
19 2011, is amended to read as follows:

20 4. *Civil penalty — restitution — corrective action.* In a  
21 final order under subsection 3, the administrator may impose a  
22 civil penalty up to an amount not to exceed a maximum of ~~five~~  
23 ten thousand dollars for a single violation or ~~five hundred~~  
24 thousand one million dollars for more than one violation, or  
25 in an amount as agreed to by the parties, order restitution,  
26 or take other corrective action as the administrator deems  
27 necessary and appropriate to accomplish compliance with  
28 the laws of the state relating to all securities business  
29 transacted in the state.

30 Sec. 4. Section 502.604, Code Supplement 2011, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 5A. *Failure to obey cease and desist*  
33 *order.* A person who fails to obey a valid cease and desist  
34 order issued by the administrator under this section may, after  
35 notice and opportunity for a hearing, be subject to a civil

LSB 5183XD (9) 84

-1-

av/nh

1/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 penalty in an amount of not less than one thousand dollars and  
2 not to exceed ten thousand dollars for violating the order.  
3 Each day the failure to obey the cease and desist order occurs  
4 or continues constitutes a separate violation of the order.  
5 The penalties provided in this subsection are in addition to,  
6 and not exclusive of, other remedies that may be available.

7 Sec. 5. Section 505.8, subsection 10, Code Supplement 2011,  
8 is amended to read as follows:

9 10. The commissioner may, after a hearing conducted  
10 pursuant to chapter 17A, assess fines or penalties~~;~~ assess  
11 costs of an examination, investigation, or proceeding~~;~~  
12 order restitution~~;~~ or take other corrective action as the  
13 commissioner deems necessary and appropriate to accomplish  
14 compliance with the laws of the state relating to all insurance  
15 business transacted in the state.

16 Sec. 6. NEW SECTION. 506.14 Voluntary dissolution of  
17 domestic mutual insurance companies.

18 1. Any plan for voluntary dissolution of a domestic  
19 mutual insurance company licensed to transact the business  
20 of insurance under chapter 508, 515, 518, or 518A shall be  
21 presented for approval by the commissioner not less than ninety  
22 days in advance of notice of the plan to policyholders.

23 2. The commissioner shall approve the plan if the  
24 commissioner finds that the plan complies with all applicable  
25 provisions of law and is fair and equitable to the domestic  
26 mutual insurance company and its policyholders.

27 Sec. 7. Section 507.10, subsection 4, paragraph a, Code  
28 2011, is amended to read as follows:

29 a. All orders entered pursuant to subsection 3, paragraph  
30 "a", shall be accompanied by findings and conclusions resulting  
31 from the commissioner's consideration and review of the  
32 examination report, relevant examiner work papers, and any  
33 written submissions or rebuttals. Any such order is a final  
34 administrative decision and may be appealed pursuant to chapter  
35 17A, and shall be served upon the company by certified mail,

LSB 5183XD (9) 84  
av/nh

2/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 together with a copy of the adopted examination report. Within  
2 ~~thirty days of the issuance of the adopted report, the company~~  
3 ~~shall file affidavits executed by each of its directors stating~~  
4 ~~under oath that they have received a copy of the adopted report~~  
5 ~~and related orders. The board of directors of the company~~  
6 ~~shall timely review the adopted report. The minutes of the~~  
7 ~~meeting of the board at which the adopted report is considered~~  
8 ~~shall reflect that each member of the board has reviewed the~~  
9 ~~adopted report.~~

10 Sec. 8. Section 507.14, subsection 4, Code 2011, is amended  
11 to read as follows:

12 4. Confidential documents, materials, information,  
13 administrative or judicial orders, or other actions may be  
14 disclosed to a regulatory official of any state, federal  
15 agency, or foreign country provided that the recipients are  
16 required, under their law, to maintain their confidentiality.  
17 Confidential records may be disclosed to the national  
18 association of insurance commissioners, the international  
19 association of insurance supervisors, and the bank for  
20 international settlements, provided that the association  
21 certifies associations and the bank certify by written  
22 statement that the confidentiality of the records will be  
23 maintained.

24 Sec. 9. Section 507B.4, Code 2011, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 20. Refund of premium for duplication of  
27 insurance. Failing to refund premiums paid for a Medicare  
28 supplement policy after the effective date of a subsequently  
29 purchased Medicare advantage plan, where there have been no  
30 claims made on the Medicare supplement policy, and it can be  
31 established that the carrier of the Medicare supplement policy  
32 has no exposure to pay benefits if a claim is submitted to it  
33 during the time that both the Medicare supplement policy and  
34 the Medicare advantage plan are in effect. For the purposes  
35 of this subsection, "Medicare supplement policy" and "Medicare

LSB 5183XD (9) 84

-3-

av/nh

3/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 *advantage plan* mean the same as defined by the commissioner of  
2 insurance pursuant to rules adopted under chapter 17A.

3 Sec. 10. NEW SECTION. 507C.17A Rehabilitation or  
4 liquidation of a domestic insurer covered under the federal  
5 Dodd-Frank Wall Street Reform and Consumer Protection Act.

6 1. The provisions of this section apply in accordance  
7 with Tit. II of the federal Dodd-Frank Wall Street Reform and  
8 Consumer Protection Act, Pub. L. No. 111-203, 12 U.S.C. § 5301  
9 et seq., with respect to a domestic insurer that is a covered  
10 financial company, as that term is defined under 12 U.S.C. §  
11 5381.

12 2. The commissioner may petition the district court for an  
13 order of rehabilitation or liquidation of a domestic insurer  
14 pursuant to this section on any of the following grounds:

15 a. Upon a determination and notification given by the  
16 secretary of the treasury of the United States, in consultation  
17 with the president of the United States, that the insurer is  
18 a covered financial company satisfying the requirements of  
19 12 U.S.C. § 5383(b), and the board of directors, or a body  
20 performing similar functions of a board of directors, of the  
21 insurer acquiesces or consents to the appointment of a receiver  
22 pursuant to 12 U.S.C. § 5382(a)(1)(A)(i) with such consent  
23 to be considered as consent to an order of rehabilitation or  
24 liquidation.

25 b. Upon an order of the United States district court for  
26 the District of Columbia under 12 U.S.C. § 5382(a)(1)(A)(iv)(I)  
27 granting the petition of the secretary of the treasury of  
28 the United States concerning the insurer under 12 U.S.C. §  
29 5382(a)(1)(A)(i).

30 c. A petition by the secretary of the treasury of the United  
31 States concerning the insurer is granted by operation of law  
32 under 12 U.S.C. § 5382(a)(1)(A)(v).

33 3. Notwithstanding any other provision of law to the  
34 contrary, after notice to the insurer, a district court  
35 may grant an order of rehabilitation or liquidation within



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 twenty-four hours after the filing of such a petition pursuant  
2 to this section.

3 4. If the district court does not make a determination on a  
4 petition for an order of rehabilitation or liquidation filed by  
5 the commissioner pursuant to this section within twenty-four  
6 hours after the filing of the petition, the order shall be  
7 deemed granted by operation of law upon the expiration of the  
8 twenty-four-hour period.

9 a. At the time that an order is deemed granted under this  
10 subsection, the provisions of this chapter shall be deemed  
11 to be in effect, and the commissioner shall be deemed to be  
12 affirmed as receiver and to have all of the applicable powers  
13 provided by this chapter, regardless of whether an order has  
14 been entered by the district court.

15 b. If an order is deemed granted by operation of law under  
16 this subsection, the district court shall expeditiously enter  
17 an order of rehabilitation or liquidation that does all of the  
18 following:

19 (1) Is effective as of the date that the order is deemed  
20 granted by operation of law.

21 (2) Conforms to the provisions for rehabilitation or  
22 liquidation of an insurer contained in this chapter, as  
23 applicable.

24 5. An order of rehabilitation or liquidation made pursuant  
25 to this section shall not be subject to a stay or injunction  
26 pending appeal.

27 6. Nothing in this section shall be construed to supersede  
28 or impair any other power or authority of the commissioner or  
29 the district court under this chapter.

30 Sec. 11. Section 507E.5, subsection 2, Code 2011, is amended  
31 to read as follows:

32 2. The commissioner may share documents, materials, or  
33 other information, including confidential and privileged  
34 documents, materials, or other information, with other  
35 state, federal, and international regulatory agencies, with

LSB 5183XD (9) 84  
av/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 the national association of insurance commissioners and its  
2 affiliates or subsidiaries, and with local, state, federal, and  
3 international law enforcement authorities, provided that the  
4 recipient agrees to maintain the confidential and privileged  
5 status of the document, material, or other information,  
6 pursuant to Iowa law.

7 Sec. 12. Section 511.8, subsection 14, Code Supplement  
8 2011, is amended to read as follows:

9 14. *Urban real estate and personal property.*

10 a. Personal or real property or both located within the  
11 United States or the Dominion of Canada, other than real  
12 property used or to be used primarily for agricultural,  
13 horticultural, ranching or mining purposes, which produces  
14 income or which by suitable improvement will produce income.  
15 However, personal property acquired under this subsection shall  
16 be acquired for the purpose of entering into a contract for  
17 the sale or for a use under which the contractual payments  
18 may reasonably be expected to result in the recovery of the  
19 investment and an investment return within the anticipated  
20 useful life of the property. Legal title to the real property  
21 may be acquired subject to a contract of sale.

22 b. "Real property" as used in this subsection includes a all  
23 of the following:

24 (1) A leasehold of real estate, ~~an.~~

25 (2) An undivided interest in a leasehold of real estate, ~~and~~  
26 ~~an.~~

27 (3) An undivided interest in the fee title of real estate.

28 (4) A controlling membership, partnership, shareholder, or  
29 trust interest in any entity created solely for the purpose  
30 of owning and operating any of the interests described in  
31 subparagraph (1), (2), or (3), if the entity is expressly  
32 limited to that purpose within its organizational documents.

33 c. Investments under this subsection are not eligible in  
34 excess of ten percent of the legal reserve.

35 Sec. 13. Section 511.8, subsection 19, Code Supplement

LSB 5183XD (9) 84

av/nh

6/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 2011, is amended to read as follows:

2 19. *Other foreign government or corporate obligations.*

3 a. Bonds or other evidences of indebtedness, not to  
4 include currency, issued, assumed, or guaranteed by a foreign  
5 government other than Canada, or by a corporation incorporated  
6 under the laws of a foreign government other than Canada. Such  
7 governmental obligations must be valid, legally authorized  
8 and issued, and on the date of acquisition have predominantly  
9 investment qualities and characteristics as provided by  
10 rule. Such corporate obligations must meet the qualifications  
11 established in subsection 5 for bonds and other evidences of  
12 indebtedness issued, assumed, or guaranteed by a corporation  
13 incorporated under the laws of the United States or Canada.  
14 Foreign investments authorized by this subsection are not  
15 eligible in excess of ~~twenty~~ twenty-five percent of the  
16 legal reserve of the life insurance company or association.  
17 Investments in obligations of a foreign government, other  
18 than Canada ~~and~~, the United Kingdom, and foreign governments  
19 rated AAA by Standard and Poor's division of McGraw-Hill  
20 companies, inc., or Aaa by Moody's investors services, inc.,  
21 are not eligible in excess of two percent of the legal reserve  
22 in the securities of foreign governments of any one foreign  
23 nation. Investments in obligations of the United Kingdom are  
24 not eligible in excess of four percent of the legal reserve.  
25 Investments in obligations of foreign governments rated either  
26 AAA by Standard and Poor's division of McGraw-Hill companies,  
27 inc., or Aaa by Moody's investors services, inc., are not  
28 eligible in excess of five percent of the legal reserve.  
29 Investments in a corporation incorporated under the laws of a  
30 foreign government other than Canada are not eligible in excess  
31 of two percent of the legal reserve in the securities of any  
32 one foreign corporation.

33 b. Eligible investments in foreign obligations under this  
34 subsection are limited to the types of obligations specifically  
35 referred to in this subsection. This subsection in no way

LSB 5183XD (9) 84

-7-

av/nh

7/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 limits or restricts investments in Canadian obligations and  
2 securities specifically authorized in other subsections of this  
3 section.

4 c. This subsection shall not authorize investment in  
5 evidences of indebtedness issued, assumed, or guaranteed by a  
6 foreign government which engages in a consistent pattern of  
7 gross violations of human rights.

8 Sec. 14. Section 511.8, subsection 23, Code Supplement  
9 2011, is amended by adding the following new paragraph:

10 NEW PARAGRAPH. g. For securities loaned pursuant to this  
11 subsection that are included in the legal reserve of the life  
12 insurance company or association, the collateral received for  
13 the loaned securities shall not be eligible for inclusion in  
14 the legal reserve.

15 Sec. 15. Section 511.40, Code 2011, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 5. a. The gross amount of premiums  
18 received by a life insurance company or association for an  
19 employer-owned life insurance contract which has not been  
20 allocated to another state shall be allocated to this state  
21 for purposes of section 432.1, subsection 1, if either of the  
22 following is applicable:

23 (1) The contract is issued or delivered in this state.

24 (2) The company or association is domiciled in this state.

25 b. To the extent that premiums are allocated to this state  
26 pursuant to paragraph "a", the provisions of section 505.14 are  
27 not applicable to those premiums.

28 c. As used in this subsection, "*employer-owned life*  
29 *insurance contract*" means a policy which provides coverage on  
30 a life for which the employer has an insurable interest under  
31 this section or a similar provision of the laws of another  
32 state and the policy is owned by either the employer or a trust  
33 established by the employer for the benefit of the employer or  
34 the employer's active or retired employees.

35 Sec. 16. Section 514.4, Code 2011, is amended to read as

LSB 5183XD (9) 84

-8-

av/nh

8/23





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 follows:

2 **514.4 Directors.**

3 1. At least two-thirds of the directors of a hospital  
4 service corporation, medical service corporation, dental  
5 service corporation, or pharmaceutical or optometric service  
6 corporation subject to this chapter shall be at all times  
7 subscribers and not more than one-third of the directors  
8 shall be providers as provided in this section. The board of  
9 directors of each corporation shall consist of at least nine  
10 members.

11 2. A subscriber director is a director of the board of  
12 a corporation who is a subscriber and who is not a provider  
13 of health care pursuant to section 514B.1, subsection 7, a  
14 person who has material financial or fiduciary interest in the  
15 delivery of health care services or a related industry, an  
16 employee of an institution which provides health care services,  
17 or a spouse or a member of the immediate family of such a  
18 person. However, a subscriber director of a dental service  
19 corporation may be an employee, officer, director, or trustee  
20 of a hospital or other entity that does not have a provider  
21 contract with the dental service corporation. A subscriber  
22 director of a hospital or medical service corporation shall be  
23 a subscriber of the services of that corporation.

24 3. A provider director of a corporation subject to this  
25 chapter shall be at all times a person who has a material  
26 financial interest in or is a fiduciary to or an employee  
27 of or is a spouse or member of the immediate family of a  
28 provider having a contract with such corporation to render to  
29 its subscribers the services of such corporation or who is a  
30 hospital trustee.

31 4. A director may serve on a board of only one corporation  
32 at a time subject to this chapter.

33 5. The commissioner of insurance shall adopt rules pursuant  
34 to chapter 17A to implement the process of the election of  
35 subscriber directors of the board of directors of a corporation



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 to ensure the representation of a broad spectrum of subscriber  
2 interest on each board and establish criteria for the selection  
3 of nominees. The rules shall provide for an independent  
4 subscriber nominating committee to serve until the composition  
5 of the board of directors meets the percentage requirements  
6 of this section. Once the composition requirements of this  
7 section are met, the nominations for subscriber directors  
8 shall be made by the subscriber directors of the board under  
9 procedures the board establishes which shall also permit  
10 nomination by a petition of at least fifty subscribers. The  
11 board shall also establish procedures to permit nomination of  
12 provider directors by petition of at least fifty participating  
13 providers. A member of the board of directors of a corporation  
14 subject to this chapter shall not serve on the independent  
15 subscriber nominating committee. The nominating committee  
16 shall consist of subscribers as defined in this section. The  
17 rules of the commissioner of insurance shall also permit  
18 nomination of subscriber directors by a petition of at least  
19 fifty subscribers, and nomination of provider directors  
20 by a petition of at least fifty participating providers.  
21 These petitions shall be considered only by the independent  
22 nominating committee during the duration of the committee.  
23 Following the discontinuance of the committee, the petition  
24 process shall be continued and the board of directors of the  
25 corporation shall consider the petitions. The independent  
26 subscriber nominating committee is not subject to chapter 17A.  
27 The nominating committee shall not receive per diem or expenses  
28 for the performance of their duties.

29 6. Population factors, representation of different  
30 geographic regions, and the demography of the service area of  
31 the corporation subject to this chapter shall be considered  
32 when making nominations for the board of directors of a  
33 corporation subject to this chapter.

34 7. A corporation serving states in addition to Iowa shall be  
35 required to implement this section only for directors who are

LSB 5183XD (9) 84  
av/nh

10/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 residents of Iowa and elected as board members from Iowa.

2 Sec. 17. Section 515.69, subsection 1, Code 2011, is amended  
3 to read as follows:

4 1. A stock insurance company organized under or by the  
5 laws of any other state or foreign government for the purpose  
6 specified in this chapter, shall not, directly or indirectly,  
7 take risks or transact business of insurance in this state  
8 unless the company ~~has two and one-half million dollars of~~  
9 ~~actual paid-up capital, and a surplus in cash or invested in~~  
10 ~~securities authorized by law of not less than two and one-half~~  
11 ~~million dollars,~~ possesses the actual amount of capital and  
12 surplus required of any company organized pursuant to this  
13 chapter, or if the company is a mutual insurance company, the  
14 actual amount of surplus required of any mutual insurance  
15 company organized pursuant to this chapter, exclusive of assets  
16 deposited in a state, territory, district, or country for the  
17 special benefit or security of those insured in that state,  
18 territory, district, or country.

19 Sec. 18. Section 515.120, Code 2011, is amended to read as  
20 follows:

21 **515.120 Business with nonadmitted insurers.**

22 1. This chapter does not prevent a licensed resident or  
23 nonresident producer of this state, qualified to write excess  
24 and surplus lines insurance, from procuring insurance in  
25 certain nonadmitted insurers if such insurance is restricted  
26 to the type and kind of insurance authorized by this chapter,  
27 excluding insurance authorized under section 515.48,  
28 subsection 5, paragraph "a", and the producer makes oath to  
29 the commissioner of insurance in the form prescribed by the  
30 commissioner that the producer has made diligent effort to  
31 place the insurance in authorized insurers and has either  
32 exhausted the capacity of all authorized insurers or has been  
33 unable to obtain the desired insurance in insurers licensed to  
34 transact business in this state.

35 2. The procuring of a contract of insurance in a nonadmitted

LSB 5183XD (9) 84

-11-

av/nh

11/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 insurer makes the insurer liable for, and the producer shall  
2 pay, the taxes on the premiums as if the insurer were duly  
3 authorized to transact business in the state.

4 3. A sworn report of all business transacted by producers  
5 of this state in nonadmitted insurers shall be made to the  
6 commissioner of insurance on or before March 1 of each year  
7 for the preceding calendar year, on the form required by the  
8 commissioner of insurance. The report shall be accompanied by  
9 a remittance to cover the taxes on the premiums. A producer  
10 who makes the oath, pays the taxes on the premiums, and  
11 files the report has not written such contracts of insurance  
12 unlawfully, and is not personally liable for the contracts.

13 4. Notwithstanding subsection 1, for purposes of this  
14 section and sections 515.121 and 515.122, excess and surplus  
15 lines insurance includes disability insurance that is in excess  
16 of policy limits available in admitted insurers.

17 Sec. 19. Section 515.136, Code 2011, is amended to read as  
18 follows:

19 **515.136 Value of building — liability.**

20 ~~The insurance company or association issuing such policy may~~  
21 ~~show the actual value of said property at date of policy, and~~  
22 ~~any depreciation in the value thereof before the loss occurred,~~  
23 ~~but the said An~~ insurance company or association shall be  
24 liable for the actual value of the property insured at the date  
25 of the loss, unless such value exceeds the amount stated in the  
26 policy.

27 Sec. 20. Section 515A.7, subsection 1, paragraph b,  
28 subparagraph (5), Code 2011, is amended to read as follows:

29 (5) An insurer may adopt a ~~scheduled or~~ schedule rating plan  
30 providing for credits or debits in an amount not exceeding the  
31 maximum modification allowed as set forth by the commissioner  
32 by rule. This amount shall be in addition to the permitted  
33 deviations set forth in subparagraphs (1) through (4).

34 Sec. 21. Section 518.14, subsection 4, paragraph f,  
35 unnumbered paragraph 1, Code 2011, is amended to read as

LSB 5183XD (9) 84

-12-

av/nh

12/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 follows:

2 Common stocks, common stock equivalents, mutual fund shares,  
3 securities convertible into common stocks or common stock  
4 equivalents, or preferred stocks issued or guaranteed by a  
5 corporation incorporated under the laws of the United States  
6 or a state, or the laws of Canada or a province of Canada,  
7 or by limited partnerships publicly traded on a nationally  
8 established stock exchange in the United States. Aggregate  
9 investments in nondividend paying stocks shall not exceed five  
10 percent of surplus.

11 Sec. 22. Section 518A.12, subsection 4, paragraph f,  
12 unnumbered paragraph 1, Code 2011, is amended to read as  
13 follows:

14 Common stocks, common stock equivalents, mutual fund shares,  
15 securities convertible into common stocks or common stock  
16 equivalents, or preferred stocks issued or guaranteed by a  
17 corporation incorporated under the laws of the United States  
18 or a state, or the laws of Canada or a province of Canada,  
19 or by limited partnerships publicly traded on a nationally  
20 established stock exchange in the United States. Aggregate  
21 investments in nondividend paying stocks shall not exceed five  
22 percent of surplus.

23 Sec. 23. Section 521E.1, subsection 4, unnumbered paragraph  
24 1, Code 2011, is amended to read as follows:

25 "*Domestic insurer*" means an insurance company domiciled in  
26 this state and licensed to transact the business of insurance  
27 under chapter 508, 512B, 515, or 520, except that it shall not  
28 include any of the following:

29 Sec. 24. Section 521E.1, subsection 4, paragraph b, Code  
30 2011, is amended by striking the paragraph.

31 Sec. 25. Section 521E.1, subsections 6 and 7, Code 2011, are  
32 amended to read as follows:

33 6. "*Foreign insurer*" means an insurance company not  
34 domiciled in this state which is licensed to transact the  
35 business of insurance in this state under chapter 508, 512B,

LSB 5183XD (9) 84

-13-

av/nh

13/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 515, or 520.

2 7. "*Life and health insurer*" means an insurance company  
3 licensed under chapter 508, a fraternal benefit society  
4 organized under chapter 512B, or a licensed property and  
5 casualty insurer writing only accident and health insurance  
6 under chapter 515.

7 Sec. 26. Section 521E.3, subsection 1, paragraph a,  
8 subparagraph (2), Code Supplement 2011, is amended to read as  
9 follows:

10 (2) For a life and health insurer, the insurer's  
11 total adjusted capital is greater than or equal to its  
12 company-action-level risk-based capital but less than the  
13 product of its authorized-control-level risk-based capital and  
14 ~~two and one-half~~ three, and has a negative trend.

15 Sec. 27. Section 522C.6, Code 2011, is amended by adding the  
16 following new subsection:

17 NEW SUBSECTION. 3. a. A licensed public adjuster who,  
18 after hearing, is found to have violated this chapter or any  
19 rule adopted or order issued pursuant to this chapter, may  
20 be ordered to cease and desist from engaging in the conduct  
21 resulting in the violation and may be assessed a civil penalty  
22 as provided in section 505.7A.

23 b. A person who, after hearing, is found to have violated  
24 this chapter by acting as a public adjuster without proper  
25 licensure may be ordered to cease and desist from engaging in  
26 the conduct resulting in the violation and may be assessed a  
27 civil penalty according to the provisions of chapter 507A.

28 c. If a person has engaged, is engaging, or is about to  
29 engage in any act or practice constituting a violation of  
30 this chapter or any rule adopted or order issued pursuant to  
31 this chapter, the commissioner may issue a summary order that  
32 includes a brief statement of findings of fact, conclusions of  
33 law, and policy reasons for the order, and that directs the  
34 person to cease and desist from engaging in the act or practice  
35 constituting the violation and that may assess a civil penalty

LSB 5183XD (9) 84

-14-

av/nh

14/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 or take other affirmative action as in the judgment of the  
2 commissioner is necessary to assure that the person complies  
3 with the requirements of this chapter as provided in chapter  
4 507A.

5     *d.* If a person does not comply with an order issued pursuant  
6 to this subsection, the commissioner may petition a court of  
7 competent jurisdiction to enforce the order. The court shall  
8 not require the commissioner to post a bond in an action or  
9 proceeding under this subsection. If the court finds, after  
10 notice and opportunity for hearing, that the person is not in  
11 compliance with an order, the court may adjudge the person to  
12 be in civil contempt of the order. The court may impose a civil  
13 penalty against the person for contempt in an amount not less  
14 than three thousand dollars but not greater than ten thousand  
15 dollars for each violation and may grant any other relief that  
16 the court determines is just and proper in the circumstances.

17     Sec. 28. Section 598.20A, Code 2011, is amended to read as  
18 follows:

19     **598.20A Beneficiary revocation — life insurance.**

20     1. Except as preempted by federal law, if a decree of  
21 dissolution, annulment, or separate maintenance is issued after  
22 ~~an insured~~ the policy owner of an insurance contract insuring  
23 the policy owner's own life has designated the ~~insured's policy~~  
24 owner's spouse or one or more relatives of the insured's policy  
25 owner's spouse as a beneficiary under a life insurance policy  
26 in effect on the date of the decree, a provision in the life  
27 insurance policy making such a designation is voided by the  
28 issuance of the decree unless any of the following apply:

29     *a.* The decree designates the ~~insured's policy owner's~~ former  
30 spouse or one or more relatives of the ~~insured's policy owner's~~  
31 spouse as beneficiary.

32     *b.* After issuance of the decree, the ~~insured~~ policy owner  
33 executes a designation of beneficiary form provided by the  
34 insurance company naming the ~~insured's policy owner's~~ former  
35 spouse or one or more relatives of the ~~insured's policy owner's~~

LSB 5183XD (9) 84

-15-

av/nh

15/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 former spouse as beneficiary.

2     ~~c.~~ The ~~insured~~ policy owner and the ~~insured's~~ policy owner's  
3 former spouse remarry.

4     2. If a beneficiary designation is not effective pursuant to  
5 subsection 1, the benefits or proceeds of the life insurance  
6 policy are payable to an alternate beneficiary, or if there is  
7 no alternate beneficiary, to the estate of the ~~insured~~ policy  
8 owner.

9     3. An insurer who pays benefits or proceeds of a life  
10 insurance policy to a beneficiary under a designation that is  
11 void pursuant to subsection 1 is not liable for payment to an  
12 alternative beneficiary as provided under subsection 2 unless  
13 both of the following apply:

14     a. At least ten days prior to payment of the benefits  
15 or proceeds of the life insurance policy to the designated  
16 beneficiary, the insurer receives written notice at the home  
17 office of the insurer that the designation of the beneficiary  
18 is not effective pursuant to subsection 1.

19     b. The insurer has failed to interplead the benefits or  
20 proceeds of the life insurance policy in a court of competent  
21 jurisdiction in accordance with the rules of civil procedure.  
22     4. This section does not limit the right of a beneficiary  
23 to seek recovery from any person or entity that erroneously  
24 receives or collects the benefits or proceeds from a life  
25 insurance policy.

26     5. This section does not affect the right of ~~an insured's~~  
27 ~~former~~ a policy owner's spouse to assert an ownership interest  
28 in a life insurance policy insuring the life of the policy  
29 owner that is not disclosed to the ~~insured's~~ policy owner's  
30 spouse prior to the decree of dissolution, annulment, or  
31 separate maintenance and that is not addressed by the decree.

32     6. For purposes of this section, "~~relative of the insured's~~  
33 policy owner's spouse" means a person who is related to the  
34 ~~insured's~~ policy owner's former spouse by blood, adoption,  
35 or affinity, and who, subsequent to a decree of dissolution,

LSB 5183XD (9) 84

-16-

av/nh

16/23





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 annulment, or separate maintenance, ceases to be related to the  
2 ~~insured~~ policy owner by blood, adoption, or affinity.

3 Sec. 29. EFFECTIVE UPON ENACTMENT. The following  
4 provision or provisions of this Act, being deemed of immediate  
5 importance, take effect upon enactment:

6 1. The section of this Act enacting section 507C.17A.

7 EXPLANATION

8 This bill relates to various matters under the purview of the  
9 insurance division of the department of commerce.

10 DEPARTMENT OF PUBLIC HEALTH. Code section 135.22A(2)(g)  
11 is stricken to remove the commissioner of insurance from the  
12 membership of the advisory council on brain injuries.

13 UNIFORM SECURITIES ACT (BLUE SKY LAW). Code section  
14 502.412(3) is amended to increase the amount of the  
15 disciplinary penalty for registrants that the administrator  
16 (commissioner of insurance or the commissioner's deputy) can  
17 impose for a violation of the Code chapter from a maximum of  
18 \$5,000 to \$10,000 for a single violation, and from \$500,000 to  
19 \$1 million for more than one violation, or in such amount as  
20 agreed to by the parties.

21 Code section 502.604(4) is amended to increase the amount  
22 of a civil penalty the administrator can impose against a  
23 person for engaging in an act, practice, or course of business  
24 in violation of the Code chapter from a maximum of \$5,000 to  
25 \$10,000 for a single violation, and from \$500,000 to \$1 million  
26 for more than one violation, or in an amount agreed to by the  
27 parties.

28 New Code section 502.604(5A) provides that a person  
29 who fails to obey a valid cease and desist order issued by  
30 the administrator may be subject to a civil penalty in an  
31 amount of not less than \$1,000 and not more than \$10,000 for  
32 violating the order. Each day the failure to obey continues  
33 constitutes a separate violation. The penalties provided in  
34 this subsection are in addition to, and not exclusive of other  
35 remedies that may be available.

LSB 5183XD (9) 84  
av/nh

17/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 INSURANCE DIVISION. Code section 505.8(10) is amended to  
2 allow the commissioner to assess the costs of the examination  
3 of a regulated entity necessary to accomplish compliance with  
4 the insurance laws of this state.

5 DOMESTIC INSURANCE COMPANIES. New Code section 506.14  
6 provides that any plan for the voluntary dissolution of a  
7 domestic mutual insurance company licensed in this state shall  
8 be presented for approval by the commissioner not less than 90  
9 days prior to notice of the plan to the policyholders. The  
10 commissioner must approve the plan if it complies with all  
11 applicable laws and is fair and equitable to the company and to  
12 its policyholders.

13 EXAMINATION OF INSURANCE COMPANIES. Code section  
14 507.10(4)(a) is amended to allow the board of directors of  
15 an insurance company to signal that each member has reviewed  
16 an examination report with a notation in the board's meeting  
17 minutes instead of by filing affidavits indicating that each  
18 member has received a copy of the report.

19 Code section 507.14 is amended to allow the commissioner  
20 to release confidential documents and other materials to the  
21 international association of insurance supervisors and the bank  
22 for international settlements provided that those entities  
23 give written certification that the records will be kept  
24 confidential.

25 INSURANCE TRADE PRACTICES. New Code section 507B.4(20)  
26 makes it an unfair or deceptive act or practice in the business  
27 of insurance to fail to refund premiums paid for a Medicare  
28 supplement policy after the effective date of a subsequently  
29 purchased Medicare advantage plan if the insurer has no  
30 exposure to pay benefits under the Medicare supplement policy  
31 during the time that both the supplement policy and the  
32 advantage plan are in effect.

33 INSURERS SUPERVISION, REHABILITATION, AND LIQUIDATION.  
34 New Code section 507C.17A contains provisions that apply in  
35 accordance with the federal Dodd-Frank Wall Street Reform and

LSB 5183XD (9) 84  
av/nh

18/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Consumer Protection Act to a domestic insurer that is a covered  
2 financial company, as that term is defined in federal law.

3 The bill provides that the commissioner of insurance may  
4 file a petition in the state district court for an order of  
5 rehabilitation or liquidation of such a domestic insurer upon  
6 receiving notice from the secretary of the treasury of the  
7 United States that the insurer acquiesces or consents to the  
8 appointment of a receiver; upon an order of the United States  
9 district court for the District of Columbia as to that insurer;  
10 or when a petition of the secretary of the treasury of the  
11 United States concerning the insurer is granted by operation  
12 of law.

13 Notwithstanding any other provision of law to the contrary,  
14 the state district court, after notice to the insurer, may  
15 grant an order on such a petition within 24 hours after the  
16 filing of the petition. If the district court does not make a  
17 determination on the petition within 24 hours of its filing,  
18 the order is deemed granted by operation of law upon expiration  
19 of the 24-hour period.

20 At the time an order is deemed granted, the provisions of  
21 Code chapter 507C are deemed to be in effect, the commissioner  
22 is deemed to be affirmed as the receiver and to have all of  
23 the applicable powers provided by Code chapter 507C, and the  
24 state district court must expeditiously enter an order of  
25 rehabilitation or liquidation. An order of rehabilitation or  
26 liquidation made pursuant to the provisions of the bill is not  
27 subject to a stay or injunction pending appeal.

28 This provision is effective upon enactment.

29 INSURANCE FRAUD. Code section 507E.5(2) is amended to allow  
30 the commissioner to share documents with local as well as  
31 state, federal, and international law enforcement authorities  
32 if the recipient agrees to maintain the confidentiality of  
33 confidential and privileged documents that are shared.

34 LIFE INSURANCE COMPANIES AND ASSOCIATIONS. Code section  
35 511.8(14) is amended to provide that a life insurance company

LSB 5183XD (9) 84

-19-

av/nh

19/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 can include in its legal reserve as real property a controlling  
2 membership, partnership, shareholder, or trust interest in any  
3 entity created solely for the purpose of owning and operating a  
4 leasehold of real estate, an undivided interest in a leasehold  
5 of real estate, or an undivided interest in the fee title of  
6 real estate. The entity must be expressly limited to that  
7 purpose by its organizational documents.

8 Code section 511.8(19) is amended to provide that a life  
9 insurance company can include in its legal reserve certain  
10 foreign investments not in excess of 25, instead of 20,  
11 percent of its legal reserve. Investments in obligations of a  
12 foreign government rated AAA by Standard and Poor's division  
13 of McGraw-Hill companies, inc., or Aaa by Moody's investors  
14 services, inc., are eligible for inclusion in the legal reserve  
15 up to 5, instead of 2, percent of the legal reserve.

16 Code section 511.8(23) is amended to provide that if  
17 securities held in a life insurance company's legal reserve are  
18 loaned, the collateral received for the loaned securities is  
19 not eligible for inclusion in the legal reserve.

20 New Code section 511.40(5) provides that the gross amount of  
21 premiums received by a life insurance company or association  
22 for an employer-owned life insurance contract shall be  
23 allocated to this state for purposes of calculating the state  
24 premium tax if the contract is issued or delivered in this  
25 state or the company or association is domiciled in this state.  
26 For purposes of the subsection, "employer-owned life insurance  
27 contract" means a policy which provides coverage on a life for  
28 which the employer has an insurable interest under this Code  
29 section or the laws of another state and the policy is owned by  
30 either the employer or a trust established by the employer for  
31 the benefit of the employer or the employer's active or retired  
32 employees.

33 NONPROFIT HEALTH SERVICE CORPORATIONS. Code section 514.4  
34 is amended to provide that a person who is affiliated with a  
35 hospital or other entity that does not have a provider contract

LSB 5183XD (9) 84

-20-

av/nh

20/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 with a dental service corporation can serve as a subscriber  
2 director of that corporation.

3 INSURANCE OTHER THAN LIFE. Code section 515.69(1) is  
4 amended to require that a foreign stock insurance company must  
5 possess the actual amount of capital and surplus required of  
6 any company organized pursuant to Code chapter 515, or if the  
7 insurer is a mutual company, the actual amount of surplus  
8 required of any mutual company organized pursuant to Code  
9 chapter 515. Currently, a foreign stock insurance company is  
10 required to have \$2.5 million of actual paid-up capital, and a  
11 surplus in cash or invested in securities authorized by law of  
12 not less than \$2.5 million.

13 Code section 515.120 is amended to provide that excess and  
14 surplus lines insurance that can be purchased from nonadmitted  
15 insurers includes disability insurance that is in excess of  
16 policy limits available in admitted insurers.

17 Code section 515.136 is amended to provide that an insurance  
18 company or association is liable for the actual value of the  
19 property insured at a date of a loss, unless that value exceeds  
20 the amount stated in the policy. Currently, the insurer  
21 issuing such a policy may show the actual value of the property  
22 at the date of issuance of the policy and any depreciation in  
23 the value of the property after a loss occurred but is still  
24 liable for the actual value of the property insured on the date  
25 of loss or the policy amount, whichever is less.

26 WORKERS' COMPENSATION LIABILITY INSURANCE. Code section  
27 515A.7(1)(b)(5) is amended to remove a reference to a  
28 "scheduled rating plan", a term that is not defined in the Code  
29 chapter.

30 COUNTY MUTUAL INSURANCE ASSOCIATIONS. Code section  
31 518.14(4)(f) is amended to allow county mutual insurance  
32 associations to invest in stocks that are issued or guaranteed  
33 by limited partnerships publicly traded on a nationally  
34 established stock exchange in the United States.

35 STATE MUTUAL INSURANCE ASSOCIATIONS. Code section

LSB 5183XD (9) 84  
av/nh

21/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 518A.12(4)(f) is amended to allow state mutual insurance  
2 associations to invest in stocks that are issued or guaranteed  
3 by limited partnerships publicly traded on a nationally  
4 established stock exchange in the United States.

5 RISK-BASED CAPITAL REQUIREMENTS FOR INSURERS. Code section  
6 521E.1(4) is amended to provide that for purposes of the Code  
7 chapter, a fraternal benefit society organized under Code  
8 chapter 512B is a domestic insurer. Code section 521E.1(4)(b),  
9 which excepted a fraternal benefit society from inclusion as  
10 a domestic insurer, is stricken. Corresponding changes to  
11 include such a society are made in Code section 521E.1(6) and  
12 (7).

13 Code section 521E.3(1)(a)(2) is amended to provide that for  
14 a life and health insurer, a company-action-level event means  
15 the insurer's total adjusted capital is greater than or equal  
16 to its company-action-level risk-based capital but less than  
17 the product of its authorized-control-level risk-based capital  
18 and three, instead of two and one-half, and has a negative  
19 trend.

20 LICENSING OF PUBLIC ADJUSTERS. Code section 522C.6 is  
21 amended to add provisions allowing the commissioner of  
22 insurance to hold hearings, issue cease and desist orders,  
23 assess civil penalties, and petition for enforcement of those  
24 orders by the district court against persons who violate  
25 the provisions of Code chapter 522C. The district court is  
26 authorized to adjudge a violator in civil contempt of an order  
27 and to impose a civil penalty for contempt of not less than  
28 \$3,000 but not more than \$10,000 for each violation and grant  
29 any other relief the court determines is just and proper under  
30 the circumstances.

31 DISSOLUTION OF MARRIAGE AND DOMESTIC RELATIONS. Code  
32 section 598.20A is amended to provide that it is the policy  
33 owner of an insurance contract insuring the policy owner's own  
34 life, not the insured, who designates the beneficiary of the  
35 policy and is authorized to make changes in that designation

LSB 5183XD (9) 84

-22-

av/nh

22/23



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 after a decree of dissolution of marriage, annulment, or  
2 separate maintenance.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

**Senate Study Bill 3067 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
COMMERCE/BANKING DIVISION  
BILL)

**A BILL FOR**

1 An Act relating to matters under the purview and authority of  
2 the professional licensing and regulation bureau of the  
3 banking division of the department of commerce.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5132DP (3) 84  
rn/sc





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Section 1. Section 354.2, subsections 15, 18, and 19, Code  
2 2011, are amended to read as follows:

3 15. "*Plat of survey*" means the graphical representation of a  
4 survey of one or more parcels of land, including a complete and  
5 accurate description of each parcel within the plat, prepared  
6 by a ~~registered~~ licensed professional land surveyor.

7 18. "*Subdivision plat*" means the graphical representation  
8 of the subdivision of land, prepared by a ~~registered~~ licensed  
9 professional land surveyor, having a number or letter  
10 designation for each lot within the plat and a succinct name or  
11 title that is unique for the county where the land is located.

12 19. "*Surveyor*" means a ~~registered~~ licensed professional land  
13 surveyor who engages in the practice of land surveying pursuant  
14 to chapter 542B.

15 Sec. 2. Section 354.4, subsection 3, paragraph c, Code 2011,  
16 is amended to read as follows:

17 c. The plat shall be signed and dated by a surveyor, bear  
18 the surveyor's Iowa ~~registration~~ license number and legible  
19 seal, and shall show a north arrow and bar scale.

20 Sec. 3. Section 355.1, subsections 9, 11, and 12, Code 2011,  
21 are amended to read as follows:

22 9. "*Plat of survey*" means a graphical representation of a  
23 survey of one or more parcels of land, including a complete and  
24 accurate description of each parcel within the plat, prepared  
25 by a ~~registered~~ licensed professional land surveyor.

26 11. "*Subdivision plat*" means a graphical representation  
27 of the subdivision of land, prepared by a ~~registered~~ licensed  
28 professional land surveyor, having a number or letter  
29 designation for each lot within the plat and a succinct name or  
30 title that is unique for the county where the land is located.

31 12. "*Surveyor*" means a ~~registered~~ licensed professional land  
32 surveyor who engages in the practice of land surveying pursuant  
33 to chapter 542B.

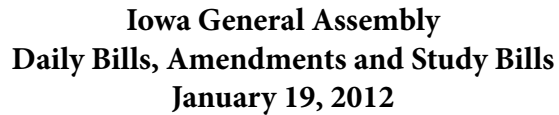
34 Sec. 4. Section 355.6, subsection 1, Code 2011, is amended  
35 to read as follows:

LSB 5132DP (3) 84

-1-

rn/sc

1/12





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 following new subsection:

2 NEW SUBSECTION. 6A. The term "*land surveyor*" shall mean  
3 a person licensed as a professional land surveyor under the  
4 provisions of chapter 542B.

5 Sec. 9. Section 523I.314A, subsection 2, Code 2011, is  
6 amended to read as follows:

7 2. Prior to the sale of interment rights in an undeveloped  
8 area of a cemetery, internal reference markers shall be  
9 installed and maintained no more than one hundred feet apart.  
10 The internal reference markers shall be established with  
11 reference to survey markers that are no more than two hundred  
12 feet apart, have been set by a licensed professional land  
13 surveyor and mapper, and have been documented in a land plat  
14 of survey. Both the map and the land plat of survey shall be  
15 maintained by the cemetery and made available upon request to  
16 the commissioner and to members of the public.

17 Sec. 10. Section 542B.1, Code 2011, is amended to read as  
18 follows:

19 **542B.1 Licensed engineers and surveyors.**

20 A person shall not engage in the practice of engineering or  
21 land surveying in the state unless the person is a licensed  
22 professional engineer or a licensed professional land surveyor  
23 as provided in this chapter, except as permitted by section  
24 542B.26.

25 Sec. 11. Section 542B.2, subsections 7 and 9, Code 2011, are  
26 amended to read as follows:

27 7. The term "*land surveyor*" as used in this chapter shall  
28 mean a person who engages in the practice of professional land  
29 surveying as defined in this section. Unless the context  
30 otherwise requires, any reference in this chapter to "*land*  
31 *surveyor*" or "*land surveying*" means "*professional land surveyor*"  
32 or "*professional land surveying*".

33 9. The term "*professional engineer*" as used in this chapter  
34 means a person, who, by reason of the person's knowledge  
35 of mathematics, the physical sciences, and the principles

LSB 5132DP (3) 84

-3-

rn/sc

3/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 of engineering, acquired by professional education or  
2 practical experience, is qualified to engage in the practice  
3 of engineering. Unless the context otherwise requires, any  
4 reference in this chapter to "engineer" or "engineering" means  
5 "professional engineer" or "professional engineering".

6 Sec. 12. Section 542B.3, Code 2011, is amended to read as  
7 follows:

8 **542B.3 Engineering and land surveying examining board**  
9 **created.**

10 An engineering and land surveying examining board is created  
11 within the professional licensing and regulation bureau of  
12 the banking division of the department of commerce. The  
13 board consists of four members who are licensed professional  
14 engineers, one member who is a licensed professional land  
15 surveyor or a professional engineer who is also a licensed  
16 professional land surveyor, and two members who are not  
17 licensed professional engineers or licensed professional land  
18 surveyors and who shall represent the general public. Members  
19 shall be appointed by the governor subject to confirmation by  
20 the senate. A licensed member shall be actively engaged in the  
21 practice of engineering or land surveying and shall have been  
22 so engaged for five years preceding the appointment, the last  
23 two of which shall have been in Iowa. Insofar as practicable,  
24 licensed engineer members of the board shall be from different  
25 branches of the profession of engineering. Professional  
26 associations or societies composed of licensed engineers or  
27 licensed land surveyors may recommend the names of potential  
28 board members whose profession is representative of that  
29 association or society to the governor. However, the governor  
30 is not bound by the recommendations. A board member shall not  
31 be required to be a member of any professional association or  
32 society composed of professional engineers or professional land  
33 surveyors.

34 Sec. 13. Section 542B.11, Code 2011, is amended to read as  
35 follows:

LSB 5132DP (3) 84

-4-

rn/sc

4/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1     **542B.11 Staff — duties.**

2     The staff shall keep on file a record of all certificates  
3 of licensure granted and shall make annual revisions of the  
4 record as necessary. ~~In revising the record the staff shall~~  
5 ~~communicate biennially by mail with every professional engineer~~  
6 ~~and surveyor licensed under this chapter, as provided in~~  
7 ~~section 542B.18.~~

8     Sec. 14. Section 542B.14, unnumbered paragraph 1, Code  
9 2011, is amended to read as follows:

10    Each applicant for licensure as a professional engineer or  
11 professional land surveyor shall have all of the following  
12 requirements, respectively, to wit:

13    Sec. 15. Section 542B.14, subsection 2, unnumbered  
14 paragraph 1, Code 2011, is amended to read as follows:

15    As a professional land surveyor:

16    Sec. 16. Section 542B.16, subsection 1, Code 2011, is  
17 amended to read as follows:

18    1. Each licensee, upon licensure, shall obtain a seal of a  
19 design approved by the board, bearing the licensee's name, Iowa  
20 license number, and the words "professional engineer" or "~~land~~  
21 professional land surveyor" or both, as the case may be. A  
22 legible rubber stamp or other facsimile of the seal may be used  
23 and shall have the same effect as the use of the actual seal.

24    Sec. 17. Section 542B.17, Code 2011, is amended to read as  
25 follows:

26     **542B.17 Certificate Engineer's certificate.**

27    The board shall issue a certificate of licensure as a  
28 professional engineer to an applicant who has passed the  
29 examination as a professional engineer and who has paid  
30 an additional fee. The certificate shall be signed by the  
31 chairperson and secretary of the board under the seal of the  
32 board. The certificate shall authorize the applicant to engage  
33 in the practice of engineering. The certificate shall not  
34 carry with it the right to practice land surveying, unless  
35 specifically so stated on the certificate, which permission

LSB 5132DP (3) 84

-5-

rn/sc

5/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 shall be granted by the board without additional fee in cases  
2 where the applicant duly qualifies as a professional land  
3 surveyor as prescribed by the rules of the board.

4 Sec. 18. Section 542B.18, Code 2011, is amended to read as  
5 follows:

6 **542B.18 Expirations and renewals.**

7 Certificates of licensure shall expire in ~~multiyear~~  
8 intervals as determined by the board. ~~It shall be the~~  
9 ~~duty of the secretary of the board to notify every person~~  
10 ~~licensed under this chapter, of the date of expiration of the~~  
11 ~~certificate and the amount of the fee that shall be required~~  
12 ~~for its renewal; such notice shall be mailed at least one month~~  
13 ~~in advance of the date of the expiration of the certificate.~~  
14 Renewal may be effected by the payment of a fee the amount of  
15 which shall be determined by the board. The failure on the  
16 part of any licensee to renew a certificate in the month of  
17 expiration as required above shall not deprive a person of the  
18 right of renewal. A person who fails to renew a certificate  
19 by the expiration date shall be allowed to do so within thirty  
20 days following its expiration, but the board may assess a  
21 reasonable penalty. For the duration of any war in which the  
22 United States is engaged the board may, in its discretion,  
23 defer the collection of renewal fees without penalty, which  
24 have or may become due from licensed professional engineers  
25 who are employed in the war effort, and residing outside the  
26 state, or who are members of the armed forces of the United  
27 States, and may renew the engineering certificates of licensed  
28 professional engineers.

29 Sec. 19. Section 542B.19, Code 2011, is amended to read as  
30 follows:

31 **542B.19 Land surveyor's certificate.**

32 To any applicant who shall have passed the examination  
33 as a professional land surveyor and who shall have paid an  
34 additional fee as set by the board, the board shall issue  
35 a certificate of licensure signed by its chairperson and

LSB 5132DP (3) 84  
rn/sc



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 secretary under the seal of the board, which certificate shall  
2 authorize the applicant to practice land surveying as defined  
3 in this chapter and to administer oaths to assistants and to  
4 witnesses produced for examination, with reference to facts  
5 connected with land surveys being made by such professional  
6 land surveyor.

7 Sec. 20. Section 542B.20, unnumbered paragraph 1, Code  
8 2011, is amended to read as follows:

9 A person holding a certificate of licensure as a  
10 professional engineer or professional land surveyor issued to  
11 the person by a proper authority of a state, territory, or  
12 possession of the United States, the District of Columbia,  
13 or of any foreign country, based on requirements and  
14 qualifications, in the opinion of the board equal to or higher  
15 than the requirements of this chapter, may be licensed without  
16 further examination.

17 Sec. 21. Section 542B.24, Code 2011, is amended to read as  
18 follows:

19 **542B.24 Injunction.**

20 Any person who is not legally authorized to practice in this  
21 state according to the provisions of this chapter, and shall  
22 practice, or shall in connection with the person's name use  
23 any designation tending to imply or designate the person as a  
24 professional engineer or professional land surveyor, may be  
25 restrained by permanent injunction.

26 Sec. 22. Section 542B.26, Code 2011, is amended to read as  
27 follows:

28 **542B.26 Applicability of chapter.**

29 1. a. This chapter shall not apply to any full-time  
30 employee of any corporation while doing work for that  
31 corporation, except in the case of corporations offering  
32 their services to the public as professional engineers or  
33 professional land surveyors.

34 b. Corporations engaged in designing buildings or works for  
35 public or private interests not their own shall be deemed to be

LSB 5132DP (3) 84

-7-

rn/sc

7/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 engaged in the practice of engineering within the meaning of  
2 this chapter. With respect to such corporations all principal  
3 designing or constructing engineers shall hold certificates of  
4 licensure issued under this chapter. This chapter shall not  
5 apply to corporations engaged solely in constructing buildings  
6 and works.

7 2. This chapter shall not apply to any professional engineer  
8 or professional land surveyor working for the United States  
9 government, nor to any professional engineer or professional  
10 land surveyor employed as an assistant to a professional  
11 engineer or professional land surveyor licensed under this  
12 chapter if such assistant is not placed in responsible charge  
13 of any work involving the practice of engineering or land  
14 surveying work, nor to the operation or maintenance of power  
15 and mechanical plants or systems.

16 Sec. 23. Section 542B.27, subsection 1, Code 2011, is  
17 amended to read as follows:

18 1. In addition to any other penalties provided for in this  
19 chapter, the board may by order impose a civil penalty upon a  
20 person who is not licensed under this chapter as a professional  
21 engineer or a professional land surveyor and who does any of  
22 the following:

23 a. Engages in or offers to engage in the practice of  
24 professional engineering or professional land surveying.

25 b. Uses or employs the words "professional engineer" or  
26 ~~"land "~~professional land surveyor", or implies authorization  
27 to provide or offer professional engineering or professional  
28 land surveying services, or otherwise uses or advertises any  
29 title, word, figure, sign, card, advertisement, or other symbol  
30 or description tending to convey the impression that the person  
31 is a professional engineer or professional land surveyor or  
32 is engaged in the practice of professional engineering or  
33 professional land surveying.

34 c. Presents or attempts to use the certificate of licensure  
35 or the seal of a professional engineer or professional land

LSB 5132DP (3) 84

-8-

rn/sc

8/12





Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 surveyor.

2 *d.* Gives false or forged evidence of any kind to the board  
3 or any member of the board in obtaining or attempting to obtain  
4 a certificate of licensure.

5 *e.* Falsely impersonates any licensed professional engineer  
6 or professional land surveyor.

7 *f.* Uses or attempts to use an expired, suspended, revoked,  
8 or nonexistent certificate of licensure.

9 *g.* Knowingly aids or abets an unlicensed person who engages  
10 in any activity identified in this subsection.

11 Sec. 24. Section 542B.35, subsection 2, paragraph c, Code  
12 2011, is amended to read as follows:

13 *c.* A person who completes the real property inspection  
14 report shall not claim to be a licensed professional land  
15 surveyor or a licensed professional engineer for purposes of  
16 the report.

17 Sec. 25. Section 543C.2, subsection 5, Code 2011, is amended  
18 to read as follows:

19 5. The complete description of the land offered for  
20 subdivision by lots, plots, blocks, or sales, with or without  
21 streets, together with plats certified to by a duly ~~registered~~  
22 professional land surveyor accompanied by a certificate  
23 attached thereto showing the date of the completion of the  
24 survey and of the making of the plat and the name of the  
25 subdivision for the purpose of identification of the subdivided  
26 land or any part thereof.

27 Sec. 26. Section 544A.10, Code 2011, is amended to read as  
28 follows:

29 **544A.10 Renewals.**

30 Certificates of registration expire in ~~multiyear~~ intervals  
31 as determined by the board. Registered architects shall renew  
32 their certificates of registration and pay a renewal fee in  
33 the manner prescribed by the board. The board shall prescribe  
34 the conditions and reasonable penalties for renewal after a  
35 certificate's expiration date.

LSB 5132DP (3) 84  
rn/sc

9/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 Sec. 27. Section 544B.12, Code 2011, is amended to read as  
2 follows:

3 **544B.12 Seal.**

4 Every professional landscape architect shall have a seal,  
5 approved by the board, which shall contain the name of the  
6 landscape architect and the words "Professional Landscape  
7 Architect, State of Iowa", and such other words or figures as  
8 the board may deem necessary. All landscape architectural  
9 plans and specifications, prepared by such professional  
10 landscape architect or under the supervision of such  
11 professional landscape architect, shall be dated and bear the  
12 legible seal of such professional landscape architect. Nothing  
13 contained in this section shall be construed to permit the seal  
14 of a professional landscape architect to serve as a substitute  
15 for the seal of a registered architect, a licensed professional  
16 engineer, or a licensed professional land surveyor whenever the  
17 seal of an architect, engineer, or land surveyor is required  
18 under the laws of this state.

19 Sec. 28. Section 544B.13, Code 2011, is amended to read as  
20 follows:

21 **544B.13 Renewals.**

22 Certificates of licensure shall expire in ~~multi-year~~  
23 intervals as determined by the board. Professional landscape  
24 architects shall renew their certificates of licensure and pay  
25 a renewal fee in the manner and amount prescribed by the board.  
26 A person who fails to renew a certificate by the expiration  
27 date shall be allowed to do so within thirty days following its  
28 expiration, but the board may assess a reasonable penalty.

29 Sec. 29. Section 544B.20, subsection 4, Code 2011, is  
30 amended to read as follows:

31 4. To affect or prevent the practice of land surveying by a  
32 professional land surveyor ~~registered~~ licensed under the laws  
33 of this state.

34 Sec. 30. Section 558A.4, subsection 1, paragraph b, Code  
35 Supplement 2011, is amended to read as follows:

LSB 5132DP (3) 84

-10-

rn/sc

10/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1     **b.** The disclosure statement may include a report or written  
2 opinion prepared by a person qualified to make judgment based  
3 on education or experience, as provided by rules adopted by  
4 the commission, including but not limited to a professional  
5 land surveyor licensed pursuant to chapter 542B, a geologist, a  
6 structural pest control operator licensed pursuant to section  
7 206.6, or a building contractor. The report or opinion on a  
8 matter within the scope of the person's practice, profession,  
9 or expertise shall satisfy the requirements of this section or  
10 rules adopted by the commission regarding that matter required  
11 to be disclosed. If the report or opinion is in response  
12 to a request made for purposes of satisfying the disclosure  
13 statement, the report or opinion shall indicate which part of  
14 the disclosure statement the report or opinion satisfies.

15     Sec. 31. Section 568.15, Code 2011, is amended to read as  
16 follows:

17     **568.15 How constituted.**

18     The members of the commission shall be selected with  
19 reference to their fitness for the duties required and at least  
20 one of them shall be a competent licensed professional land  
21 surveyor and competent licensed professional civil engineer.

22     Sec. 32. Section 622.42, Code 2011, is amended to read as  
23 follows:

24     **622.42 Field notes and plats.**

25     A copy of the field notes of any licensed professional  
26 land surveyor, or a plat made by the surveyor and certified  
27 under oath as correct, may be received as evidence to show the  
28 shape or dimensions of a tract of land, or any other fact the  
29 ascertainment of which requires the exercise of scientific  
30 skill or calculation only.

31     Sec. 33. Section 633.249, Code 2011, is amended to read as  
32 follows:

33     **633.249 Mode of setting off share in real estate.**

34     The referees may employ a licensed professional land  
35 surveyor, and may cause the shares in real estate to be set off

LSB 5132DP (3) 84

-11-

rn/sc

11/12



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
January 19, 2012

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 by legally sufficient land descriptions. They shall make a  
2 report of their proceedings to the court as early as reasonably  
3 possible.

4 Sec. 34. Section 650.7, Code 2011, is amended to read as  
5 follows:

6 **650.7 Commission.**

7 The court in which ~~said~~ the action is brought shall appoint  
8 a commission of one or more disinterested licensed professional  
9 land surveyors, who shall, at a date and place fixed by the  
10 court in the order of appointment, proceed to locate the lost,  
11 destroyed, or disputed corners and boundaries.

12 EXPLANATION

13 This bill relates to matters under the purview of the  
14 professional licensing and regulation bureau of the banking  
15 division of the department of commerce.

16 The bill updates provisions relating to land surveyors and  
17 the practice of land surveying. The bill deletes outdated  
18 references to "registered" land surveyors, substituting instead  
19 the more current and accurate "licensed" land surveyors.  
20 Additionally, to ensure consistency regarding references to  
21 "professional engineers" or "licensed professional engineers",  
22 the bill makes corresponding references to "professional land  
23 surveyors" or "licensed professional land surveyors" where  
24 appropriate.

25 The bill removes provisions relating to staff communication  
26 by mail with professional engineers and land surveyors  
27 regarding licensure status and removes references to  
28 license expiration in multiyear intervals in connection  
29 with professional engineers and land surveyors, registered  
30 architects, and landscape architects.

LSB 5132DP (3) 84

-12-

rn/sc

12/12